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ACCOUNTS AND PAPERS:

THIRTY-SIX VOLUMES.

—(31.)—

STATE PAPERS.

NORTH AMERICA.

Session

4 February — 29 July 1864.

VOL. LXII.

1864.

ACCOUNT OF THE

TRAVELS OF

—(12)—

DR. J. H. COOPER

TO THE

AMERICAN

PHYSICAL

ACCOUNTS AND PAPERS:

1864.

THIRTY-SIX VOLUMES:—CONTENTS OF THE THIRTY-FIRST VOLUME.

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NORTH AMERICA.

No. 1. (1864.)

CORRESPONDENCE

RESPECTING

THE “ALABAMA.”

(In continuation of Correspondence presented to Parliament in
March 1863.)

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the "Alabama."

No. 1.

Mr. Adams to Earl Russell.—(Received February 21.)

My Lord,

Legation of the United States, London, February 19, 1863.

AT the request of my Government, I have the honour to submit to your Lordship's consideration a copy of a Memorial addressed to the Secretary of State by an Association of Underwriters in New York.

Renewing, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 1.

Memorial.

YOUR Memorialists, representing the New York Mutual Insurance Company of the City of New York, respectively submit to the Department of State of the United States, the following facts, viz. :—

That the said New York Mutual Insurance Company had certain policies of insurance upon the following vessels :—Ship "Brilliant," 9,245 dollars; ship "Manchester," 7,500 dollars; and the said vessels, in the prosecution of their lawful voyages, were arrested on the high seas by a steamer called the "Alabama," and by her boarded and burned, and the New York Mutual Insurance Company have paid the policies of insurance on the above-named vessels in consequence of said destruction; and your Memorialists are of opinion that the said steamer having been built at, fitted out, and sailed from a port in Great Britain, and her crew being composed principally of the subjects of the Government of Great Britain, she is to all intents and purposes a British vessel.

And your Memorialists therefore claim from the Government of Great Britain the repayment to them of the above amounts, with interest accruing thereon, and respectfully request the United States' Government to make the necessary claim on their behalf.

(Signed) JOHN H. EARLE, *President.*

(Signed) W. P. HANSFORD, *Secretary.*
New York, January 31, 1863.

No. 2.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, March 9, 1863.

I HAVE the honour to acquaint you that Her Majesty's Government have had under their consideration your letter of the 19th ultimo, inclosing a copy of a Memorial which has been addressed to the United States' Secretary of State by the New York Mutual Insurance Company, claiming the repayment by Her Majesty's Government of certain

policies of insurance upon the United States' vessels "Brilliant" and "Manchester," which have been destroyed on the high seas by the Confederate steam-vessel "Alabama."

I have now the honour to state to you that Her Majesty's Government entirely disclaim all responsibility for any acts of the "Alabama," and they had hoped that they had already made this decision on their part plain to the Government of the United States.

I am, &c.

(Signed) RUSSELL.

No. 3.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, March 27, 1863.

MR. ADAMS having asked for an interview, I had a long conversation with him yesterday at the Foreign Office.

He read me a despatch of Mr. Seward on the subject of the "Alabama" and "Oreto." In this despatch, which was not unfriendly in its tone, Mr. Seward complains of the depredations on American commerce committed by vessels fitted out in British ports, and manned, for the most part, by British sailors. He alludes to the strong feeling excited in the United States by the destruction of her trading vessels and their cargoes. He repeats the complaint common in America that England is at war with the United States, while the United States were not at war with England. He expresses his hope that Great Britain, in execution of her own laws, will put an end to the fitting out of such vessels to prey on the commerce of a friendly nation.

I said that the phrase that England was at war with America, but America was not at war with England, was rather a figure of rhetoric than a true description of facts. That the facts were that two vessels, the "Oreto" and the "Alabama," had eluded the operation of the Foreign Enlistment Act, and had, against the will and purpose of the British Government, made war upon American commerce in the American seas. That the fitting out of the "Alabama," the operation against which the Foreign Enlistment Act was specially directed, was carried on in Portuguese waters at a great distance from any British port. That the most stringent orders had been given long ago to watch the proceedings of those who might be suspected of fitting out vessels of war for Confederate purposes. That if there were six vessels, as it was alleged, fitting out in British ports for such purposes, let evidence be forthcoming, and the Government would not hesitate to stop the vessels, and to bring the offenders before a Court of Justice. That Mr. Adams was no doubt aware that the Government must proceed according to the regular process of law and upon sworn testimony.

Mr. Adams, on the other hand, dwelt on the novelty and enormity of this species of warfare. He said that if a belligerent could fit out in the ports of a neutral swift armed vessels to prey upon the commerce of its adversary, the commerce of that belligerent must be destroyed, and a new and terrible element of warfare would be introduced. He was sure that England would not suffer such conduct on the part of France, nor France on the part of England. He should be sorry to see letters of marque issued by the President; but there might be no better resource than such a measure.

I said I would at once suggest a better measure. Mr. Seward had said to Lord Lyons that the crews of privateers had this advantage—that they reaped the whole benefit of the prizes they took, whereas the crews of men-of-war were entitled to only half the value of the prizes they took. Let the President, I said, offer a higher reward for the capture of the "Alabama" and "Oreto" to the crews of men-of-war than even the entire value of those vessels. Let him offer double their value as a gratuity, and thus confine his action to officers and men of the United States' navy, over whom he could keep a control, and who were amenable to the laws which govern an honourable profession. But what could Mr. Adams ask of the British Government? What was his proposal?

Mr. Adams said there was one thing which might be easily done. It was supposed the British Government were indifferent to these notorious violations of their own laws. Let them declare their condemnation of all such infractions of law.

With respect to the law itself, Mr. Adams said either it was sufficient for the purposes of neutrality, and then let the British Government enforce it; or it was insufficient, and then let the British Government apply to Parliament to amend it.

I said that the Cabinet were of opinion that the law was sufficient; but that legal evidence could not always be procured. That the British Government had done everything in its power to execute the law; but I admitted that the cases of the "Alabama"

and "Oreto" were a scandal, and in some degree a reproach to our laws. Still, I said, it was my belief that if all the assistance given to the Federals by British subjects, and British munitions of war, were weighed against similar aid given to the Confederates, the balance would be greatly in favour of the Federals.

Mr. Adams totally denied this proposition. But above all, he said, there is a manifest conspiracy in this country, of which the Confederate loan is an additional proof, to produce a state of exasperation in America, and thus bring on a war with Great Britain with a view to aid the Confederate cause, and secure a monopoly of the trade of the Southern States, whose independence these conspirators hope to establish by these illegal and unjust measures. He had worked to the best of his power for peace, but it had become a most difficult task.

Mr. Adams fully deserves the character of having always laboured for peace between our two nations, nor, I trust, will his efforts and those of the two Governments fail of success.

I am, &c.
(Signed) RUSSELL.

No. 4.

Mr. Adams' to Earl Russell.—(Received April 4.)

My Lord,

Legation of the United States, London, April 4, 1863.

I HAVE the honour to submit to your consideration the copy of an affidavit voluntarily made by Clarence R. Yonge, being in the nature of accumulative evidence to show the execution of a deliberate plan to establish within the limits of this kingdom a system of action in direct hostility to the Government of the United States. This appears to corroborate in all essential particulars the evidence heretofore adduced from other quarters.

I append the copy of a paper marked A, showing the extent to which Her Majesty's subjects, many of them alleged to belong to the Naval Reserve, have been enlisted in a single example of illegal enterprize.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 4.

Affidavit of Clarence Randolph Yonge.

I, CLARENCE RANDOLPH YONGE, citizen of the State of Georgia, in the United States, late paymaster on board the steamer "Alabama," formerly called the "290," and also called the "Eurica," and which was built by Messrs. Laird, at Birkenhead, in England, make oath and say as follows:—

I came to England in the steamer "Annie Childs," which sailed from Wilmington, in North Carolina, early in February 1862, and landed in England on or about the 11th of March, 1862, and remained at Liverpool until the steamer "Alabama" went to sea. I came over for the express purpose of acting as paymaster to the "Alabama." I engaged for that purpose with Captain James D. Bullock, at Savannah, Georgia. He had full authority from the Confederate Government in the matters about to be mentioned. Lieutenant North had been sent over to England by the Confederate Government to get iron-clad vessels built. Captain Bullock had been over previously, and had made the contracts for building the "Oreto" and the "Alabama," and was returning to England to assume the command of the latter ship. He was directed at the time to assist Lieutenant North with his advice and experience in building the iron-clads, which Lieutenant North had been sent over here expressly to get built. I was in the Naval Paymaster's Office in Savannah, Georgia, under the Confederate Government. Captain Bullock wanted some one to accompany him, and I was recommended by the paymaster at Savannah to Captain Bullock. I was then released by the paymaster from my engagement, and was subsequently appointed by Captain Bullock, under the written authority of Mr. S. R. Mallory, the Secretary of the Navy, a paymaster in the Confederate Navy, and assigned to the "Alabama." I continued as paymaster in the navy of the Confederate States of America from the time of my appointment in Savannah, Georgia, up to the time of my leaving

the "Alabama" at Port Royal in January 1863. The date of my appointment as paymaster in the Confederate Navy was the 21st of December, 1861. Previous to this time I had attended to Captain Bullock's correspondence with the Confederate Government, and I therefore knew that these two vessels, afterwards called the "Oreto" and the "Alabama," were being built in England for the Confederate Government, and by the same means I knew that Captain Bullock, who is a Commander in the Confederate Navy, was the acknowledged agent of the Confederate Government for the purpose of getting such ships built. There was some correspondence which I saw between Captain Bullock and Mr. S. R. Mallory, the Secretary of the Navy, relative to purchasing two English vessels which had been used as transports in the Crimean war, Captain Bullock advising against purchasing them as being unfit for the service for which they were required. I wrote the letters from Captain Bullock (and which he signed) to the Secretary advising against this purchase. There was correspondence between Mr. Mallory and Captain Bullock (which I saw and copied) to the effect that the money would be ready and lodged in England to pay for these vessels as it fell due. From what I know I am satisfied that the money was all duly paid as it fell due for these vessels. I saw a letter from Captain Bullock to Fraser, Trenholm and Co. (a firm in Liverpool hereinafter again referred to) thanking them. Captain Bullock kept copies of his correspondence, and they are deposited in one of the banks in Savannah.

From the time of my coming to England until I sailed in the "Alabama" my principal business was in paying the officers of the Confederate Navy, who were over here attached to the "Alabama," and sent over for that purpose. I used to pay them monthly, about the 1st of the month, at Fraser, Trenholm and Co.'s office in Liverpool, and I drew the money for that purpose from that firm.

Commander James D. Bullock, John Low, lieutenant, Eugene Maffitt, midshipman, E. M. Anderson, midshipman, came over to England in the same vessel with myself. Captain Bullock came over to England, in the first instance, to contract for building the two vessels, the "Oreto," now called the "Florida," and the "Alabama." He came to contract for and in behalf of the Southern Confederacy, with the understanding that he was to have the command of one of the vessels. I have heard him say so; and I have learned this also from the correspondence between him and Mr. Mallory, Secretary of the Confederate Navy, as before mentioned, which passed through my hands.

At the commencement of my engagement with Captain Bullock I acted as his clerk. The contract for building the "Alabama" was made with Messrs. Laird, of Birkenhead, by Captain Bullock. I have seen it myself. I made a copy from the original. The copy was in the ship. It was signed by Captain Bullock, on the one part, and Messrs. Laird, on the other. I made the copy at instance of Captain Bullock from the original, which he has. The ship cost, in United States' money, about 255,000 dollars; this included provisions, &c., enough for a voyage to the East Indies, which Messrs. Laird were by the contract to provide. The payments were all made before the vessel sailed to the best of my belief. Sinclair, Hamilton and Co., of London, had money. Fraser, Trenholm and Co., of Liverpool, had money. There was Government money in both their hands over here enough for the purpose of paying them. I was over to see the "Alabama" before she was launched from Messrs. Laird's yard, and was on board the vessel with Captain Bullock, and have met Captain Bullock and one of the Messrs. Laird at Fraser, Trenholm and Co.'s office. Captain Bullock superintended the building of the "Alabama" and "Oreto;" also whilst he was here Captain Matthew J. Butcher was the captain who took her to sea. He is an Englishman, and represented himself as belonging to the Royal Naval Reserve. At the time the "Alabama" was being built by Messrs. Laird, and when I saw them at different times at their yard in Birkenhead and at Fraser, Trenholm and Co.'s office, I have not the slightest doubt that they perfectly well knew that such steamer was being built for the Southern Confederacy, and that she was to be used in war against the Government of the United States. When the vessel sailed from Liverpool she had her shot racks fitted in the usual places; she had sockets in her decks, and the pins fitted which held fast frames on carriages for the pivot guns, and breaching bolts. These had been placed in by the builders of the vessel, Messrs. Laird and Co. She was also full of provisions and stores enough for four months' cruise. When she sailed she had beds, bedding, cooking utensils, and mess utensils for 100 men, and powder tanks fitted in.

We sailed from Liverpool on the 29th day of July, 1862. This was some three or four days sooner than we expected to sail. The reason for our sailing at this time before we contemplated, was on account of information which we had received, that proceedings were being commenced to stop the vessel from sailing. Captain Bullock sent Lieutenant Law to me on Sunday evening the 27th of July, to say that I must be at Fraser, Trenholm and Co.'s office early next morning. The next morning I arrived at half-past

9 o'clock. Captain Butcher came in and told me the ship which at that time was called the "290," also "Eurica," would sail the next day, and he wanted me to go with him. In a few minutes Captain Bullock came in and told me he wanted me to go to sea at a minute's notice, that they were going to send her right out. I placed my things on the vessel on that evening. There were about seventy or eighty men in the vessel at this time under Captain Butcher, who had been in command of the vessel for more than a month before she sailed.

I went on the vessel on the morning of the 29th of July, for the purpose of sailing. We started out of the River Mersey at about half-past 10 o'clock. Captain Butcher commanded; Mr. Low acted as first mate; George T. Fullam as second mate; and David Herbert Llewellyn as assistant surgeon.

Captain Bullock, Lieutenants North and Sinclair were on board, also the two Messrs. Laird, Mr. A. E. Byrne, and five or six ladies (including two Miss Lairds), and some other gentlemen whom I do not know. When we sailed it was not our intention to return, but it was with the intention of going to sea, and so understood by us all. The ladies and passengers were taken on board as a blind.

After we got on board, one of the Messrs. Laird who built the vessel came to me and gave me 312*l.* in English gold. Captain Bullock came and asked me if Mr. Laird had given me the money; that he had some to give me which I must put in the safe. I told him I had not received it, and went to Mr. Laird and got it. Mr. Laird counted it out for me, and I gave him a receipt for the amount. Mr. Laird gave me a number of bills and receipts at the same time for things he had been purchasing for the vessel—beds, blankets, tin ware, knives, forks, for the ship; all of which he (Mr. Laird) had purchased from various parties on account of the ship. My understanding was that the money given me was the balance of the money left, after making these purchases. The bills and receipts which Mr. Laird gave me on this occasion, on account of the purchases he had made, were left on the ship, and were handed over by me to Francis L. Galt, who has succeeded me as paymaster on the ship.

There was a tug-boat in attendance when we left Liverpool on the 29th of July, in which the ladies and all the passengers left. We ran down immediately for Moelfra Bay and lay there all that night, all the next day and next night, until 3 o'clock on Friday morning. I copied a letter of instructions from Captain Bullock to Captain Butcher, in which Captain Butcher was directed to proceed to Porto Praya in Terceira, one of the Azores, where it was intended that we should go to receive the armament. I knew, and all the officers knew, before we went on board that this vessel had been built for the purpose, and was to go out with the intention of cruising and making war against the Government and people of the United States. This, as I verily believe, was well known by the Messrs. Laird who built her and helped to fit her out, and by Fraser, Trenholm and Co., and by A. E. Byrne of Liverpool, who also assisted in fitting her out, and by Captain Butcher and the other officers who sailed in her.

The next day after we left, the tug-boat "Hercules" came to us from Liverpool about 3 o'clock. She brought to us Captain Bullock and S. G. Porter (who for a time superintended the fitting of the vessel), and some two or three men. The men signed articles that night. They had signed articles before at various times while in Liverpool, but they all came up again and renewed the articles. The advance notes had been given them in Liverpool by Captain Butcher, and made payable at Cunard, Wilson and Co. The original articles are now in Fraser, Trenholm and Co.'s office, but in possession of Captain Bullock, who transacts all his business and keeps all his papers at Fraser Trenholm and Co. I do not know the name of the man who acted as shipping master at Liverpool. Captain Bullock wrote a letter of instructions to me before we left Liverpool, directing me to circulate freely among the men, and induce them to go on the vessel after we got to Terceira. I accordingly did circulate among the men on our way out, and persuaded them to join the vessel after we should get to Terceira. Low did the same.

We sailed from Moelfra Bay at 3 o'clock on Friday morning. We went out through the Irish Channel. Captain Bullock left us at the Giant's Causeway. We were some ten or eleven days going out to Terceira. We were in quarantine three days at Porto Praya. There was no transfer of the vessel or anything of the kind there. The barque "Agripina," from London, arrived there with a part of the armament and all the ammunition, all the clothing and coals. She was commanded by Alexander McQueen. The first day after the arrival of the barque she was getting ready for discharging. This barque is owned by the Confederate Government, but is nominally held by Sinclair, Hamilton, and Co., of London, and sails under the British flag. This firm are connected with the Confederate Government.

Early the following day the barque "Agrippina" hauled alongside, and we commenced to take the guns on board. Two or three days after this the "Bahama" arrived with the officers. This steamer was in command of Captain Tessier. She also sailed under the British flag. The "Bahama" came in, and Captain Butcher went on board, and received orders to sail to Angra. The "Bahama" took the barque in tow, and we all went round to Angra. After we got there we were ordered away by the authorities. There was also correspondence took place between Captain Butcher and the British Consul at that place, but I never heard what it was. We went out, and continued discharging and taking in all that day, and at night we and the barque ran into the bay, the "Bahama" keeping outside. By this time we had got all the guns, ammunition, and cargo from the steamer and barque. During all this time the three vessels were sailing under the British flag. We finished coaling on Sunday, the 24th day of August, about 1 o'clock. We received from the barque "Agrippina" four broadside guns, each 32-pounders, and two pivot-guns, one 68-pounder solid-shot gun, and one 100-pounder rifled gun; 100 barrels of gunpowder, a number of Enfield rifles, two cases of pistols and cartridges for the same. All the clothing for the men was also received from the "Agrippina," and the fuses, primers, signals, rockets, shot, shell, and other munitions of war needed by the ship; also a quantity of coal. We received from the "Bahama" two 32-pounder broadside guns, a bale of blue flannel for sailors' wear, and a fire-proof chest with 50,000 dollars in English sovereigns and 50,000 dollars in bank bills.

Captain Butcher or Mr. Low, the First Mate, told me that Mr. M. G. Klingender had been directed to purchase in Liverpool, where Mr. Klingender resides and does business as a merchant, such supplies of tobacco and liquor as were required for the ship's use. I made out the advance notes for the men at Liverpool on the 28th of July, 1862, while she was lying in the Birkenhead docks, which advance notes were made payable by Cunard, Wilson, and Co., at Liverpool; the half-pay notes which I made out in Moelfra Bay on board the "No. 290" were made payable at Liverpool by the aforesaid Mr. G. Klingender. After we arrived at Angra, and had armed the ship, and were leaving that port to enter upon the cruise, we were still under the British flag. Captain Semmes then had all the men called aft on the quarter-deck. The British flag was hauled down and the Confederate one raised. He then and there made a speech; read his Commission to them as a Commander in the Confederate Navy; told them the objects of the vessel, and what she was about to do; mentioned to them what their proportion of prize-money would be out of each 100,000 dollars' worth of property captured and destroyed; said he had on board 100,000 dollars; and asked them to go with him, at the same time appealing to them as British sailors to aid him in defending the side of the weak.

I had two sets of Articles prepared; one for men shipping for a limited time, the other for those willing to go during the war. The Articles were then re-signed, while the vessel was in Portuguese waters, but under the Confederate flag. This was on Sunday, the 24th of August, 1862. At the same time Captain Semmes announced that the ship would be called the Confederate States' vessel "Alabama." The guns which were brought out to the "No. 290" in the "Agrippina" and the "Bahama" were made and furnished by Fawcett, Preston, and Co., of Liverpool. The ammunition and entire armament of the vessel, as well as all the outfit, were purchased in England.

The list hereunto annexed, marked A, contains a list of the names of all the officers on the "Alabama" when I left, except myself, and of all the men whom I can now remember. My belief is that we had eighty-four shipped men, inclusive of the firemen and coal-trimmers, when we left Angra. All the men but three signed the Articles for the period of the war. The half-pay notes were then drawn in favour of and given to the men. These half-pay notes entitled their families or friends to draw half of their pay on the 1st of every month. They were all payable by Fraser, Trenholm, and Co., with whom the money for the purpose of meeting them was lodged. The first set of notes (payable at Cunard, Wilson, and Co.'s) were in the form of the British Marine service; the second set (payable at Fraser, Trenholm, and Co.'s) were in the form used by the United States' and Confederate Navy. Several of the men refused to sign, and returned in the "Bahama" to Liverpool. Captain Butcher and Captain Bullock also returned in the "Bahama." We then entered upon our cruise.

Out of the eighty-four men I believe there were not more than ten or twelve Americans. There was one Spaniard, and all the rest were Englishmen. More than one-half of the Englishmen belonged to the Royal Navy Reserve, as they informed me, and as was generally understood by all on board. Four at least of the officers were English; that is to say, John Low, Fourth Lieutenant; David Herbert Llewellyn, Assistant Surgeon; George T. Fullam, Master's Mate; and Henry Allcott, the Sailmaker. I never remember at any time seeing any Custom-house officer aboard this vessel. I remained aboard the

vessel as Paymaster from the time I joined her, as before stated, until the 25th day of January, 1863, at which time she was lying at Port Royal, Jamaica. During the whole time that I was on board her she was cruising and making war against the Government and people of the United States. I cannot recollect the names of all the vessels which she captured, but I know that the number which were captured and destroyed up to the time I left her was at least twenty-three, and, as I believe, was more. Of these twenty-three, four were released upon giving ransom bonds payable to the Confederate Government: such four were, the ship "Emily Farnham," of New York, bound to Liverpool; the "Tonawanda," of Philadelphia, bound for Liverpool; the brig "Baron de Custine," bound for the West Indies; and the mail steam-ship "Ariel," on the Californian line. All the rest were burned or destroyed.

The first port we went into after leaving the Western Islands was Port Royal, Martinique, where we went to provision and coal. The barque "Agrippina" was lying with coals for us, being the same vessel as took out the armament. We did not provision or coal there; but we went out, and afterwards met the "Agrippina" at the Island of Blanco belonging to Venezuela. We only took coal in there. We then proceeded to the Arcas Keys, near Yucatan banks, where we lay about ten days; where we painted the ship and recoaled from the "Agrippina," and gave the men a run on shore.

We then steered for Galveston, where we destroyed the United States' gun-boat "Hatteras," which was the last vessel we destroyed before I left her.

As soon as we got the prisoners from the "Hatteras" on board we started straight for Jamaica (Port Royal). There we provisioned, coaled, and repaired ship. All the twenty-three ships which we had burned or destroyed had been so burned or destroyed in the interval between our leaving the Western Islands and steering for Port Royal. I heard of no objection from the authorities in Jamaica to our repairing, coaling, or provisioning the ship in Port Royal; but, on the contrary, we were received with all courtesy and kindness. We were there about a week. Whilst we were there the English Admiral at Port Royal paid a visit to Captain Semmes, on board the "Alabama." I was on shore on duty at the time of the visit, but I heard of such visit immediately upon my return to the ship, for it was the subject of much conversation and remark amongst the officers; and, in particular, I remember Mr. Sinclair, the master, speaking of it. I also know that Captain Semmes paid a return visit to the English Admiral on the day that the "Alabama" left Port Royal; I myself saw him start for the purpose. My connection with the ship terminated in Port Royal, and I subsequently came to England, where I arrived on the 22nd of March, 1863.

(Signed) CLARENCE R. YONGE.

Sworn at the Judge's Chambers, Rolls Gardens, Chancery Lane, this 2nd day of April, 1863.

Before me,

(Signed) JOHN PAYNE, *a Commissioner, &c.*

(A.)—*Officers and Crew of the Alabama.*

Raphael Semmes, Commander.
J. M. Kell, First Lieutenant.
Richard F. Armstrong, Second Lieutenant.
Joseph Wilson, Third Lieutenant.
John Low, Fourth Lieutenant, Englishman, sisters living in Liverpool, made his allotment payable to brother-in-law, Charles Green, Jr. Fraser, Trenholm, and Co. pay the men all the allotments, that is, the half-monthly pay. Every month they draw this allotment.
Arthur Sinclair, Master, that is, Sailing Master.
Francis L. Galt, Surgeon, from Virginia, now acting as Paymaster.
Miles J. Freeman, First Assistant Engineer, ranks as Chief. Born in Wales; does not know whether naturalized.

David Herbert Llewellyn, Assistant Surgeon, Englishman.
B. K. Howell, brother-in-law of Jeff. Davis, Lieutenant of Marines (no marines on board).
Wm. H. Sinclair, Midshipman.
Irvine S. Bullock, Midshipman; Captain Bullock's brother.
Eugene Maffit, Midshipman; Captain Maffit's son.
Edward Maffit Anderson, Midshipman; son of Colonel Anderson.
Wm. P. Brooks, Second Assistant Engineer.
S. W. Cummings, Third Assistant Engineer.
Matthew O'Brien, Third Assistant Engineer.

John M. Pundt, Third Assistant Engineer.
 George T. Fullam, First Master's Mate, Englishman; father teacher of Navigation School in Hull.
 James Evans, Second Master's Mate, Charleston Pilot.

Wm. B. Smith, Captain's Clerk.
 Benj. L. Mecasky, Boatswain.
 T. C. Cuddy, Gunner.
 William Robinson, Carpenter.
 Henry Allcot, Sailmaker, Englishman.

Petty Officers and Seamen.

James King, Master-at-Arms, Savannah Pilot.
 Adolphus Marmelstein, Signal Quartermaster, Savannah Pilot.
 Wm. A. King, Quartermaster, Savannah Pilot.
 James G. Dent, Quartermaster, Savannah Pilot.
 Wm. Forestall, Quartermaster, Savannah Pilot.
 Ralph Masters, Quarter Gunner.
 Wm. Crawford, Quarter Gunner, Royal Naval Reserve, England.
 George Addison, Armourer.
 Wm. Rinton, Carpenter's Mate, Englishman.
 Edward Rawes, Ship's Carpenter, Englishman.
 George Harwood, Chief Boatswain's Mate, English Reserve; English Government pay him a pension; time up February 24, 1863 (as he states).
 Michael Genshla, Fireman; has a pension in England; has been discharged, November 25, 1862, Irishman.
 Brent Johnson, Second Boatswain's Mate, English Reserve.
 Wm. Pundy, Sailmaker's Mate, English.
 John Latham, Fireman, English.
 David Roach, Fireman, English.
 Thomas Murphy, Fireman, English.
 John McAlee, Ordinary Seaman, English.
 Thos. Welsh, Ordinary Seaman, English.
 James Smith, Captain of the Forecastle, English.
 Edwd. Fitzsmorris, Ordinary Seaman, English.
 George Egerton, Fireman, lives at Liverpool, English.
 James Mc Faden, Fireman; time up, 24th February, 1863, English.
 Wm. Robinson, Able Seaman, English.
 Martin Molk, Able Seaman, English.
 Geo. Yeoman, Ordinary Seaman, English.

Wm. McGinley, Able Seaman, English.
 George Freemantle, Able Seaman, English.
 Frederick Johns, Purser's Steward, English.
 John Grady, Boy, uncle lives at 56, Regent-street, Liverpool, Bootmaker, English.
 Thos. Weir, Gunner's Mate, English.
 James Brasner, Able Seaman, English.
 Edgar Fripp, Seaman, English.
 John Neil, Seaman, English.
 Joseph Neil, Seaman, English.
 Samuel Henry, Seaman, English.
 John Roberts, Seaman, English.
 John Duggan, Seaman, English.
 Martin King, Seaman, English.
 F. Williams, Seaman, English.
 R. Williams, Seaman, English.
 Joseph Pearson, Seaman, English.
 Joseph Connor, Seaman, English.
 Thos. McMillan, Seaman, English.
 Michael Mars, Seaman, English.
 Robert Egan, Boy, English.
 Malcolm McFarlane, Seaman, English.
 Peter Henry, Seaman, English.
 Charles Godwin, Seaman, American.
 James Higgs, Captain of Hold, English.
 Peter Duncan, Fireman, English.
 Richard Parkinson Ward, Purser's Steward, English.
 George Appleby, Yeoman, English.
 John Enwry, Seaman, English.
 Wm. Heam, Seaman, English.
 Thos. L. Parker, Boy, English.
 A. G. Bartelli, Captain's Steward, American.
 Peter Hughes, Seaman, American.
 Henry Fisher, Seaman, belonging to Reserve, English.
 Frank Townsend, Seaman, belonging to Reserve, English.
 Frank Cunen, Seaman, belonging to Reserve, English.
 William Levins, Coal Trimmer, English.

There are now several men on board of the "Alabama" who have joined the ship since we entered upon the cruize, some of whom are Americans.

(Signed) CLARENCE R. YONGE.

This is the list marked A referred to in the Affidavit of Clarence Randolph Yonge, sworn this 2nd day of April, 1863.

Before me,

(Signed) JOHN PAYNE, a Commissioner, &c.

No. 5.

Mr. Adams to Earl Russell.—(Received April 30.)

My Lord,

Legation of the United States, London, April 29, 1863.

I AM directed by the Government of the United States to submit to your consideration a copy of a Memorial addressed to the President by the directing authorities of the Panama Railroad Company. I am further instructed to say that this case is regarded as coming within the category described in my note to your Lordship of the 20th of November last, touching the depredations committed by gun-boat No. 290, now known as the "Alabama," but attended by some peculiar circumstances fully set forth in the Memorial itself.

I pray &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 5.

The President and Secretary of the Panama Railroad Company to the President of the United States.

*Office of the Panama Railroad Company, New York,
March 14, 1863.*

Sir,

THE Undersigned, President and Secretary of the Panama Railroad Company, beg leave to make the following statements:—

1. That the American barque "Golden Rule," of the registered tonnage of 2547 $\frac{9}{10}$ tons, hereinafter mentioned, was the property of the said Panama Railroad Company and others.
2. That the said barque, while on her voyage from the port of New York to the port of Aspinwall or Colon, in New Granada, was captured on the 26th day of January last by the steamer "Alabama," of the so-called Confederate States of America, in about 75° west longitude, and 18° north latitude, and after the removal of a portion of her cargo to the "Alabama," was totally destroyed by burning, together with the residue of her cargo remaining on board.
3. That the value of the barque "Golden Rule," with her freight, was 16,000 dollars, and that of the cargo she had on board the Panama Railroad Company was owner to the amount of 1,406 dollars.
4. That the aforesaid steamer "Alabama" was built in England, and sailed from a British port after notice had been given Her Majesty's Government that she was intended to be employed in the service of the so-called Confederate States of America, as a vessel of war, to operate against the commerce of the United States.
5. That the destruction of the barque "Golden Rule" by the steamer "Alabama" took place within twenty-four hours after the departure of the "Alabama" from Port Royal, in the Island of Jamaica, a Colonial port of Great Britain, where she had been permitted to remain during the whole of the preceding five days for the purpose of repairing, refitting, coaling, and provisioning.
6. That the cargo on board the "Golden Rule" was owned to a great extent by neutral parties of various nationalities, among whom are British subjects, and that the citizens of Great Britain are largely interested in the Panama Railroad Company, both as owners of the sterling bonds and of the shares of the Company.

In view of the foregoing facts, the Undersigned consider the Government of Great Britain to be justly bound to make good to the Panama Railroad Company and others the loss sustained by the destruction of the barque "Golden Rule," and of the cargo on board belonging to said Company, say to the aggregate amount of 17,406 dollars, and they respectfully request your Excellency to take such measures to obtain redress as in your judgment may seem best.

(Signed) DAVID HOADLEY, *President.*
JAS. F. JOY, *Secretary.*

Inclosure 2 in No. 5.

*Memorial.**New York, March 14, 1863.*

THE Undersigned, citizens of the United States, being duly sworn, depose and say:—

That they were master and first officer of the American barque "Golden Rule,"

C 2

belonging to the Panama Railroad Company and others, on her late voyage from the port of New York to Aspinwall, or Colon, in New Granada; that on the 26th day of January last, whilst becalmed near the longitude of 75° west, and latitude 18° north, the said barque was captured by the steamer "Alabama," of the so-called Confederate States of America, commanded by Captain Semmes; that on going on board the "Alabama," the Commander was informed that the cargo of the "Golden Rule" was owned in part by neutral parties, probably to the extent of one-fourth or one-third; that after the removal of a portion of the cargo to the "Alabama," the barque was set on fire by order of the Commander of the "Alabama," and totally destroyed, together with the cargo remaining on board.

(Signed) P. H. WHITEBURN, *Master, "Golden Rule."*
JOHN CASSIDY, *Officer, "Golden Rule."*

State of New York, City and County of New York, ss.

Be it known that on the 14th day of March, A.D. 1863, before me, Frederick Bull, a Notary Public in and for the State of New York, duly commissioned and sworn, dwelling in the city of New York, personally came David Hoadley, President, and Joseph F. Joy, Secretary of the Panama Railroad Company, and P. H. Whiteburn, master, and John Cassidy, first officer, of the American barque "Golden Rule," to me known, who being severally sworn, did each for himself depose and say, that the foregoing statements by them respectively subscribed are correct and true, to the best of their knowledge and belief.

In witness whereof, I have hereunto set my hand, and affixed my notarial seal, the day and year last before written.

(Signed) FREDERICK BULL, *Notary Public, 58, Wall Street.*

No. 6.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, April 30, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 29th instant, inclosing a Memorial addressed to the President of the United States, by the directing authorities of the Panama Railroad Company, respecting the destruction by the "Alabama" of the American barque "Golden Rule."

I am, &c.
(Signed) RUSSELL.

No. 7.

Mr. Adams to Earl Russell.—(Received July 8.)

My Lord,

Legation of the United States, London, July 7, 1863.

AS constituting one of the claims of citizens of the United States growing out of the lawless depredations upon American commerce by vessels fitted out and sent from the ports of Great Britain, I am directed to transmit to your Lordship copies of the papers herewith submitted (Inclosures 1 and 2).

I have the honour at the same time to annex copies of two other depositions furnished to me from the Consul of the United States at Liverpool, relating to the same general subject (Inclosures 3 and 4).

It is with great regret that I feel myself once more compelled to call your Lordship's attention to the circumstance attending the outfit of the steamer called the "Japan." It now appears that that vessel was at the time of her escape, and has continued until very lately to be, the property of a British subject residing in Liverpool. That person is Mr. Thomas Bold, a member of the commercial house of Jones and Co. I have information which leads me to believe that only within a few days has Mr. Bold notified the Collector of Customs at Liverpool of his sale of this vessel to foreign owners, and requested the register to be cancelled. That act was not completed until the 23rd of June last. It would appear from these facts, should they prove to be true, that this vessel has remained the property of a British subject during a considerable time in which she has been engaged in committing extensive ravages upon the commerce of a nation with which Her Majesty is at peace. The fact of the outfit of that vessel for hostile purposes has already occupied the attention of your Lordship, in consequence of former representations unhappily made too late for effective interposition. But the circumstances of the retention of the owner-

ship by a British subject for so long a period after she was known to be engaged in hostilities against the United States, is of too grave a character to justify me in omitting to call your Lordship's particular attention to it in advance of the possibility of receiving instructions respecting it.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 7.

Messrs. Robinson, Howard, and McGaw to Mr. Seward.

Sir,

New York, June 4, 1863.

THE Undersigned, owners of the ship "Golden Eagle" and her freight, beg to state that on the 21st February last that vessel was captured and burned by the steamer "Alabama," a vessel built in an English port, the particulars of which are fully set forth in the notarial copy of the protest of her master herewith, and to which we beg your attention.

	Dollars.
The value of the vessel was	36,000
Freight 3,600 <i>l.</i> sterling, at 67½ per cent.	26,800
Our loss	62,800

Believing we have a good and valid claim against the English Government for this loss, we have to ask your kind offices in the premises; and would feel obliged if you will take such steps as will best protect our interests, and we remain, &c.,

(Signed)

EDWIN H. ROBINSON.

H. L. HOWARD, *Executrix of B. Howard's Estate.*

JOHN H. MCGAW.

Inclosure 2 in No. 7.

Protest.

Consulate of the United States of America, London.

TO all whom it may concern, be it known and made manifest, that on this 24th day of March, in the year of our Lord 1863, before me, Freeman H. Morse, Consul of the United States of America for London and the dependencies thereof, personally appeared Edward A. Swift, master and commander of the ship "Golden Eagle" of New Bedford, United States aforesaid, of the burden of 1,120⁹⁰/₅ tons or thereabouts. And the said Edward A. Swift having before on the 20th day of March, within twenty-four hours after his arrival declared to protest before me, John Britton, United States' Consul at Southampton; now comes being desirous to extend the same before me, and with him come Carl Brown, second officer; John Smith, Carpenter; John Smith, A. Gates, Thomas Parker, E. Hubbard, W. Gibson, M. Gilford, A. Silvé, J. Francis, John Leons, T. Whiskey, Merritt D. Bradley, W. L. Cartons, H. Dodson, and George Burrill, seamen, being duly sworn on the Holy Evangelists of Almighty God, before me the said Consul, did declare and set forth as follows, that is to say, that they the said appearers and the said ship's company sailed in and with the said ship from the port of Howland's Island on the 23rd of November now last past, with a cargo of guano bound to the port of Cork for orders, the said ship being tight, staunch, and strong, and in all respects in good order, and well fitted for the said voyage.

That nothing material occurred until the 21st February, on which day at 10 A.M., being then in latitude 29° 17' north, and longitude 45° 15' west, on the starboard tack, by the wind, saw a sail on the port bow standing towards us. At 11 A.M. spoke the barque "Olive Jane" of Boston for New York. At 11:30 A.M. made the sail on the port bow to be a gun-boat and a steamer by her smoke pipe, distance about six miles (which proved to be the pirate steamer "Alabama"). Soon after she fired two blank shots, having the Confederate flag at her peak, and tacking ship as ourselves, the wind being very light at the time and the ship going about four miles per hour, the steamer soon took in sail and steamed down upon us, firing a shot which fell short of the ship. About 1:15 P.M., the steamer fired again, the shot passing close ahead of the ship. At 1:30 P.M., finding they were preparing to fire again, appearers brought the ship to. An armed boat's crew boarded and took possession. At 6 P.M., the "Alabama" having chased another vessel (the barque "Olive Jane"), and set fire to her returned to the ship. Appearer Swift was ordered on

board with the ship's papers. Captain Semmes giving orders to the first Lieutenant to plunder and burn the ship, they taking all the ship's papers, chronometer, two sextants, spy glasses, charts, books, log-book, and all appearer Swift's private property with the exception of a small quantity of clothes, and allowing the appearers, the officers and crew, a small bag of clothes each, and upon arrival on the "Alabama," they were placed in irons on deck all the time, with the exception of said appearer Swift who was taken below and searched, and the little money, about 157 dollars, taken away from him, he being allowed to mess and sleep in the steerage with the petty officers. At 5 P.M., the "Golden Eagle" was set fire to, and at 8 A.M. on the 22nd went down, the steamer remaining by the burning ship all night. On the 27th, the "Alabama" gave chase to the ship "Washington" bound from Callao to Antwerp, and after boarding her and finding her cargo owned by foreigners, took bonds for her, and put appearers and other persons upon her. Appearers remained six days on the "Alabama."

On the 18th March, the "Washington" spoke Cowes pilot-boat No. 3, off the Isle of Wight, south south-west, and placed appearers and other sufferers on board, and they made for Cowes, where they arrived and were put on shore.

Now, therefore, be it known that they, the said appearers, have protested, and by these presents do protest, against the said pirate No. 290, *alias* the "Alabama," commanded by Captain Semmes, her officers and crew, as the sole cause of all losses, costs, and damages that the said ship "Golden Eagle" or her cargo have suffered, or may suffer by reason thereof.

(Signed) Edward A. Swift, *Master*.
 Carl Brown, *Second Officer*.
 John Smith, *Carpenter*.
 Thom. Smith.
 Andrew Gates.
 Thos. P. Parker.
 Elisha Hubbard.
 William Gibson.
 Matthew Gilford.
 Antonio Silv .
 Henry Dodson.

(Signed) John Francis.
 John Leon.
 Thom. Whiskey.
 John Williams.
 Charley Browne.
 Cruz Calloha.
 James Badger.
 Isaac De Merritt.
 David Bradley.
 Wm. L. Curtions.
 George Burrill.

In testimony of all which I the said Consul have hereunto set my hand and affixed my seal of office in London, the day and year first herein mentioned, and in the eighty-seventh year of the independence of the said United States.

(Signed) F. H. MORSE.

Consulate of the United States of America, London.

I, Freeman H. Morse, Consul to the United States of America for London and the dependencies thereof, do hereby certify to all to whom it may concern, that the foregoing is a true and faithful copy of a certain Instrument of Protest of the ship "Golden Eagle," of New Bedford, made and extended before me on the 24th day of March, and taken from the registry of the office of this Consulate in book marked "Record Book of Protest No. 5," at folio 17.

In testimony whereof I have hereunto set my hand and affixed my seal of office at London, this 24th day of March, in the year of our Lord 1863, and in the 87th year of the Independence of the said United States.

(Signed) F. H. MORSE.

City and County of New York, ss.

I, Andrew Foster Higgins, a Public Notary in and for the said city and county, duly commissioned and sworn, do hereby certify the foregoing to be a true and exact copy of a certified copy of protest exhibited to me.

In testimony whereof I hereunto set my hand and seal of office this 2nd day of June, A.D. 1863.

(Signed) A. F. HIGGINS, *Notary Public*.

Inclosure 3 in No. 7.

Affidavit of John Trader.

I, JOHN TRADER, at present on board the barque "Regatta," now lying in the Queen's dock in Liverpool in the county of Lancaster, make oath and say:—

On the 18th day of March last I joined at Baltimore the barque "Henrietta," Captain

Brown, master, as boy on a voyage from Baltimore to Rio, with a cargo of flour, and two gentlemen and one lady, with three children, as passengers.

We left Baltimore on the 20th of March, and proceeded on our voyage, and on the 23rd of April, when about fifty-six miles south of the Equator, we were becalmed, and about 4 o'clock in the afternoon we saw a strange vessel astern of us; she had all her sails furled, and appeared to be making towards us under steam, and between 5 and 6 o'clock she came up to us, and when about forty to fifty yards from us, she hailed us and asked where we were bound to and where from. Our captain told him. The strange vessel was flying the American colours, the officer on board the strange vessel sang out to back our mainyard, and he would send some one on board. We backed the mainyard, and the stranger then sent off a boat which came alongside of us. An officer and several men then came on board; they were all armed with revolvers and swords; they told us to get ready to go on board of their vessel. All the seamen of the "Henrietta," except myself, went into the boat, and were taken to the stranger. Another boat then came off from the stranger and took me, the two mates, and the steward, off to the ship. When we got on board the stranger we were put into irons, and remained on deck. We found some ten or twelve prisoners; they were all in irons. Another boat was sent from the stranger and fetched the captain and passengers, and they were brought on board, but they were not put in irons. Our mates were put into irons at first, but they were afterwards taken off.

About one hour after we came on board the stranger we saw our ship was on fire, and I also noticed that the stranger was flying the Southern colours, and that the American colours she had been flying when she hailed us had been hauled down, and about this time I heard that the stranger was the "Florida."

When the fire had got a good hold of the "Henrietta," the "Florida" steamed away and then lay-to for the night.

On the following morning we got up steam and steamed down towards our vessel which we passed; she was then nearly burnt down to the water's edge. After cruising about we saw a strange sail, and made for her. She was an English vessel bound, I think, for Liverpool. One of the officers of the "Florida" hailed her, and asked her master if he could take any passengers; he said yes, but he would want a barrel of bread and a barrel of beef to be put on board first for every one taken. We then steamed off, and about 8 or 9 o'clock in the morning we saw another sail, and in about two or three hours we came up with her. She was hailed, and turned out to be an American ship called the "Oneida," bound to New York from Shanghai with tea. The "Florida" was flying the American colours. The "Oneida" was ordered to lie-to, and a boat was sent off from the "Florida" to the "Oneida" with an armed crew. We were on deck and could see what took place. When the boat's crew had got on board the "Oneida" the "Florida" hoisted the Southern flag, and the "Oneida" hauled down her American flag; the "Florida's" boats brought off the captain and crew of the "Oneida." The crew were put into irons immediately they came on board. The "Oneida" was then set fire to. When the fire had got good hold of the vessel we steamed away from her, and continued to cruise about. We then saw another sail, which we made for, and on coming up to her we found she was a French barque bound to New South Wales. She was hailed by one of the officers of the "Florida," and told to back her mainyards. We could not make him understand. A boat was sent off to her, and Captain Brown, our captain, and one of our men, Peter Brown, who went as an interpreter, went on board. Our captain told us he was going to see if he could get a passage for all, himself and his crew and passengers. In about half-an-hour our captain returned and told us that the Frenchman would only take six, and the captain and the mates and passengers and the captain of the "Oneida" went on board the Frenchman. The seamen Peter Brown also remained on board the Frenchman. After we got rid of these parties we proceeded to cruise about again, and on the following morning we came across the Danish brig "Ceres," bound for Gibraltar, and I and H. G. Wagner and William Evans and John Short and the cook were put on board of her. We remained on board of this ship until, her provisions running short, I and Wagner and Evans and Short were put on board the "Regatta," bound for Liverpool, where I arrived yesterday, but Wagner and Evans were put on board the "Inca," also bound for Liverpool, as our water was running short.

(Signed)

JOHN TRADER.

Sworn at Liverpool, in the county of Lancaster, this 5th day of June, 1863.

Before me,

(Signed)

JOHN YATES, a Commissioner to Administer Oaths in the
Courts of Exchequer or Pleas.

Inclosure 4 in No. 7.

Affidavit of Henry George Wagner.

I, HENRY GEORGE WAGNER, at present on board the barque "Inca" of Liverpool, now lying in the King's dock in the port of Liverpool, in the county of Lancaster, seaman, make oath and say,—

1. In the month of March last I shipped at Baltimore on board the barque "Henrietta" of Baltimore, G. D. Brown master, for a voyage to Rio. The "Henrietta" was a vessel of 440 tons, and we had a crew of thirteen all told, and a Mr. Roberts, a Mr. Morris, and a lady of the name of Florence with her three children, were passengers.

2. On the 20th March we sailed from Baltimore, and proceeded on our voyage without anything happening until the 23rd of April; we were then about fifty-six miles south of the Equator, and were becalmed, when at 4 in the afternoon we saw a strange sail to the stern of us. The stranger had no sails set but was under steam, and about 5 or 6 o'clock the stranger came up with us. She had the American flag flying at the fore royal mast-head, and nothing at the peak. She hailed us, and asked us where we were from, and where bound to. We told him, and he then sung out to us to back our mainyard, and he would send his boat alongside. Captain Brown refused to back his mainyard. The stranger then lowered three boats, and came alongside and boarded us. There were four officers and twelve men. They were all armed with revolvers and cutlasses.

3. When they came on board, they asked Captain Brown for his papers and irons. The captain said he had no papers, but he told them where the irons were. Captain Brown was then ordered into one of the boats, and the two mates and the passengers also went into the same boat on board the stranger. I and the rest of the crew of the "Henrietta" were then ordered into another of the boats, and were rowed to the stranger. When we got under her stern, the stranger hoisted the Southern flag. We then went on board the stranger, and I and the rest of the seamen were put in irons.

4. The other of the stranger's boats brought the captain and the passengers' clothes, chronometer, charts, and other things, but they did not bring our things. I only got an old shirt and a pair of old trousers beyond what I stood up in, when taken out of my ship.

5. After the boats had all come from our ship, and we had been on board about an hour and a quarter, I saw the flames coming up out of the cabin windows of the "Henrietta," and I then knew she had been fired. The stranger as soon as she saw the ship was burning put off from her, and went about ten miles away and then laid-to.

6. We were on deck, and could see our ship burning until about 3 in the morning, when the fire went out about half-past 5 or 6 o'clock. The stranger, whose name we now learned was the "Florida," steamed past our vessel, which was burned almost to the water's edge.

7. After we had passed our ship the "Florida" continued to cruise about, and just afterwards we hailed a strange sail, which turned out to be an English barque, bound to Liverpool from Buenos Ayres. The Captain of the "Florida" asked him if he would like any passengers, but the master of the barque said he could not do so. We then continued cruising about flying the American colours, and about 8 o'clock on the 24th of April a sail was seen to the north-west of us, and we then made for her and overhauled her about 10 o'clock. She was hailed, and answered that she was the "Oneida" of New Bedford, bound to New York from Shanghai, and loaded with tea. The Captain of the "Florida" then ordered three boats and crew to go on board of the "Oneida," which they did, and after bringing the captain and crew of sixteen in all on board, the ship was set fire to. We lay by until the lower sails had caught, and the "Florida" then steamed away.

8. In the afternoon of the same day we spoke a strange barque which turned out to be from Bordeaux bound for New South Wales, and one of the "Florida's" boats took Captain Brown, one of the crew of the "Henrietta," Peter Brown, and went on board the Frenchman. Our captain told us he was going to see if the French captain would take all of us and the passengers on board. When our captain came back, he told us that the Frenchman could not take the crew, but that he, the master and passengers and one of the boys, the captain's son, and the captain and mate of the "Oneida," were going on board, and they subsequently went on board. Peter Brown, one of our seamen, also went on board. He acted as interpreter.

9. The "Florida" after she had put the captain of the "Henrietta" and "Oneida" and the others on board of the Frenchman, laid-to until daylight of the next day, which was the 25th of April. In the morning of that day about 8 o'clock, a strange sail was seen which we made for under all steam, and after running after her for about an hour

and a-half, another sail came in sight, and we then ran for her, and spoke her. She turned out to be the Danish brig "Ceres" bound for Gibraltar for orders. The first Lieutenant of the "Florida" hailed her, and asked her if she could take any passengers. The master of the "Ceres" said he could take five, and the captain of the "Florida" then sent me and John Shutt, and William Evans, John Trader, and our cook, in one of the "Florida's" boats on board the "Ceres." I remained on board the "Ceres" until the 2nd of May, when our provisions running short, the captain of the "Ceres" spoke the English barque "Regatta" bound for Liverpool, and I and William Evans, and John Shutt, and John Trader, were put on board the "Regatta."

10. On the 18th May, the "Regatta's" water running short, I and William Evans were put on board the "Inca," which we had previously spoken, and we arrived in Liverpool yesterday.

During the whole of the time I was in the "Florida," we were left on the deck and in irons, and when we went on board we found some fourteen or fifteen other prisoners.

11. The "Florida" carried two large pivot guns, one forward and one aft, and she had three large guns on each side. The crew was a mixed one, most of them being Irishmen. They numbered I should think about 130. We were asked to join the "Florida," and were offered 22 dollars a month, 50 dollars bounty, and a share of prize money, but we refused to join under any conditions.

(Signed) HENRY G. WAGNER.

Sworn at Liverpool in the County of Lancaster, this 5th day of June, 1863.

Before me,

(Signed) JOHN YATES, a Commissioner for taking Affidavits in the Courts of Exchequer or Pleas.

No. 8.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, July 13, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, inclosing papers relative to the destruction of the American ships "Golden Eagle" and "Henrietta" by the "Alabama" and the "Florida," and calling attention to the circumstance that the "Virginia" continued up to the 23rd ultimo to be the property of a British subject residing at Liverpool.

So far as it may be intended, by the communication of the inclosed papers, to assert or record a claim against Her Majesty's Government on account of the destruction of those vessels, I would beg leave to refer you to my letter of the 9th of March last, and to repeat that Her Majesty's Government entirely disclaim all responsibility for the acts of vessels of war of the so-styled Confederate Government.

I have, however, called for a report from the proper authorities with regard to your statement respecting the "Virginia."

I am, &c.

(Signed) RUSSELL.

No. 9.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, August 17, 1863.

MY attention has been called by a member of the firm of Messrs. Fraser, Trenholm, and Co., of Liverpool, to a letter which appeared in the "Daily News" of the 2nd of April last, purporting to be a letter addressed by Mr. Thomas H. Dudley, United States' Consul at Liverpool, to the Collector of Customs at that port.

In that letter it is stated that when the "Alabama" was first tried, Mr. Welsman, one of the firm of Fraser, Trenholm and Co., was present, and that he accompanied that vessel on her various trials, as he had also accompanied the "Oreto" on her trial trip and on her departure.

Mr. Welsman positively denies that he was present when the "Alabama" was first tried, or that he ever accompanied her in any way on any of her supposed trials. He further denies that he ever set foot on board the "Oreto;" and he has recorded these

denials in an affidavit subscribed and sworn to before the Acting British Consul at Charleston.

With the view of placing Mr. Welsman's statement still further upon record, and as evidence of the incorrectness of Mr. Dudley's assertion, I have the honour to communicate to you the substance of Mr. Welsman's affidavit for the information of your Government.

I am, &c.
(Signed) RUSSELL.

No. 10.

Mr. Adams to Earl Russell.—(Received August 24.)

My Lord, *Legation of the United States, London, August 22, 1863.*

I HAVE the honour to acknowledge the reception of your note of the 17th instant, relating to the notice taken by Mr. Welsman, one of the firm of Fraser, Trenholm, and Co., of certain statements made respecting him by Mr. Dudley, the Consul of the United States at Liverpool. I have transmitted a copy of the same for the information of my Government, and another to Mr. Dudley.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 11.

Mr. Adams to Earl Russell.—(Received August 25.)

My Lord, *Legation of the United States, London, August 24, 1863.*

I AM directed by my Government to lay before your Lordship copies of a letter and Memorial addressed to the Secretary of State of the United States by Messrs. Upton, claiming indemnity for the destruction of the ship "Nora," burnt at sea by a vessel fitted out and dispatched from the port of Liverpool. I am instructed to request that the substance of this claim may be considered as added to others of the same kind which it has been my painful duty to present to your Lordship heretofore.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 11.

Messrs. Upton to Mr. Seward.

Boston, July 14, 1863.

S, WE respectfully inclose a Memorial and Protest in the case of the ship "Nora," burnt at sea by the vessel calling herself the "Alabama."

The general facts are stated in the body of the Memorial, and we therefore refrain from a repetition in this communication.

In most respectfully asking the attention of the Government to this matter, we remain, &c.

(Signed) GEO. B. UPTON.
GEO. B. UPTON, Jun.

Inclosure 2 in No. 11.

Protest.

To the Honourable William H. Seward, Secretary of State, Washington, D. C.

THE Memorial of George B. Upton and George B. Upton, Junior, citizens of the United States, residing in Boston, in the State of Massachusetts, sole owners of the American ship "Nora," respectfully represents:—

That said ship, being a legally-registered American ship, left the port of Bangor, in the United States, for the port of Liverpool, in Great Britain, on the 29th day of November, 1862. That said ship arrived in safety at said port of Liverpool, where, after being discharged, she was laden with a cargo upon the charter of Mr. W. N. de Mattos, from

said port of Liverpool to Calcutta, the undersigned having no other personal interest in said cargo than the usual lien for the freight thereof; the cargo being, as represented to them, the property of British subjects. Said ship sailed from the port of Liverpool on or about the 15th day of February of the present year, and had proceeded on her voyage as far as latitude 1° 23' north, longitude 26° 30' west, when she was boarded by, and declared to be a prize to, a vessel calling herself "the Confederate States' man-of-war 'Alabama,'" who immediately took possession of said ship, against the remonstrance of the master, and who further proceeded to remove sundry stores from said ship; and on the 27th day of March the said ship was set on fire by the order of one Semmes, calling himself the Captain of said steamer, and was totally destroyed; and said officers and crew were taken from said ship "Nora," and kept on board said piratical steamer "Alabama," from the date of the destruction of said ship until the 16th day of April last past.

And now we, the said George B. Upton, and George B. Upton, Junior, sole owners of said ship, do enter our solemn protest against the destruction thereof, and do by these presents demand of the Government of Great Britain full reparation for the same, in the sum of 80,000 dollars of the coin of the United States, being the value of said ship and freight at the time of her destruction.

Your Memorialists would further represent that they make and predicate this protest and demand upon the facts hereinafter stated, which can be verified whenever it shall be found necessary so to do. Said vessel calling herself "the Confederate States' man-of-war 'Alabama,'" is an English vessel, and no other. She was built at the port of Birkenhead, and was allowed to leave British waters, although information as to her character, and the intention to use her as a privateer to prey upon the commerce of the United States, then and now at peace with Great Britain, was lodged with the British Government. That said steamer "Alabama" (then called the "290"), was allowed to leave said waters upon giving a bond to return, which it was well known was intended to be forfeited. That she did not leave the waters of Great Britain the latter part of July 1862, under the protection of the British flag, and manned by British subjects. That had the American man-of-war "Tuscarora," or any other legally authorized man-of-war of the United States, seized her after leaving said British waters, she would have claimed her British ownership and her flag as her protection. But said steamer was allowed to leave port under the pretence of making a trial trip, and has never been in any port of the so-called "Confederate States," so as to change her flag, or to be otherwise than a British vessel.

Your Memorialists would further represent that said steamer, after thus fraudulently leaving the ports of Great Britain against the Queen's Proclamation of Neutrality, repeatedly visited or came within the jurisdiction of certain British islands in the Atlantic Ocean, when and where it was well known and patent to the world that she had destroyed American vessels on the high seas; and instead of being seized and detained by the British Government, as they were in duty bound to do, was allowed every facility for obtaining supplies and advice, and to resume her piratical cruise. That no examination was ever made by said British Government, through their constituted agents and officers, as to the manning of said steamer by British subjects, or of the prostitution of the British flag by thus giving protection to the piracies committed under its folds; and that she was, and has continued to be, until after the capture of your Memorialists' ship "Nora," principally manned by British subjects.

In view of these matters, and of others which may be made to appear, your Memorialists do now and for ever enter their solemn protests against the British Government and people, as willing parties, negligently culpable, in the destruction of their property on the high seas, and thus in first violating the Proclamation of the Queen by building and manning said steamer, and then allowing her to continue her depredations.

And they ask, through the Government of the United States, that a proper representation may be made of their loss, that in the end due reparation may be made to them by the said Government of Great Britain, or that the Government of the United States may assume the same as one of the Governmental obligations to protect the rights of their citizens, thus wantonly violated.

And as in duty bound will every pray.

(Signed)

GEO. B. UPTON.

GEO. B. UPTON, Jun.

Boston, July 14, 1863.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

Be it known to all whom it doth or may concern, that on this 14th day of July, in the year of our Lord 1863, before me John S. Tyler, a Notary Public and Justice of the Peace, under the great seal of the Commonwealth, duly commissioned and sworn, at my office in the city of Boston, personally came George B. Upton and George B. Upton, Junior, resident merchants of this city, to me well known, and made before me the foregoing memorial and protest, declaring the same to be just and true. Wherefore at the request of the said appearers I have caused the same to be verified by the oaths of said appearers, and to be entered on my notarial record to serve as occasion may require.

In testimony whereof I hereto affix my official seal the day of the date above written.

(Signed) JOHN S. TYLER, *Notary Public and Justice of the Peace.*

No. 12.

Mr. Layard to Mr. Laird, M.P.

Sir,

Foreign Office, August 31, 1863.

IN a note which Lord Russell has lately received from Mr. Adams the "Alabama" is described as a vessel "fitted out and despatched from the port of Liverpool," and his Lordship directs me to say that he would feel much obliged to you if you could inform him how far it is true that the "Alabama" was fitted out as a vessel of war at Liverpool before she left that port.

I am, &c.

(Signed) A. H. LAYARD.

No. 13.

Mr. Laird, M.P., to Mr. Layard.

Sir,

Birkenhead, September 2, 1863.

IN reply to your letter of the 31st August, stating that Lord Russell would feel much obliged to me if I can inform him "how far it is true that the 'Alabama' was fitted out as a vessel of war at Liverpool before she left that port," I request that you will inform his Lordship that I am not able from my own personal observation or knowledge to reply to his Lordship's inquiry, as I did not see the "Alabama" after the first week in July 1862, being some weeks before she sailed.

In order to obtain for his Lordship from a reliable source the information he has asked for, I have made inquiries from my successors in business, the firm of Laird Brothers, the builders of the vessel now called the "Alabama," and I am authorised by them to state that the vessel referred to was delivered by them at the port of Liverpool, and that at the time of her delivery she was not fitted out as a vessel of war.

They also confirm in every respect the report of Mr. Morgan, the Surveyor of Customs at Liverpool, dated 30th July, 1862 (ordered by the House of Commons to be printed 24th March, 1863), in which he states that a strict watch had been kept upon the vessel, and that she left the port without any part of her armament on board.

I am, &c.

(Signed) JOHN LAIRD.

No. 14.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 14, 1863.

IN acknowledging the receipt of your letter of the 24th ultimo, in which you request that Messrs. Upton's claim on account of the destruction of their vessel the "Nora" by the "Alabama" may be added to others of the same kind which you have heretofore presented to me, I must, on the part of Her Majesty's Government, repeat the disclaimer which on more than one occasion I have already made to you of all responsibility in regard to the proceedings of the "Alabama," or of any other Confederate cruiser.

But, as it is stated in your letter that the "Alabama" was "fitted out and despatched

from the port of Liverpool," and as these words imply that you suppose she was fitted out as a vessel of war, I have thought it right to ask Mr. Laird how far that statement is borne out by the facts, and I have the honour to inclose, for your information, a copy of a letter which I have received from that gentleman in reply,* stating that from the information he had received it appears that the "Alabama" was not fitted out at Liverpool as a vessel of war.

When the United States' Government assumes to hold the Government of Great Britain responsible for the captures made by vessels which may be fitted out as vessels of war in a foreign port because such vessels were originally built in a British port, I have to observe that such pretensions are entirely at variance with the principles of international law, and with the decisions of American Courts of the highest authority; and I have only in conclusion to express my hope that you may not be instructed again to put forward claims which Her Majesty's Government cannot admit to be founded on any grounds of law or justice.

I am, &c.
(Signed) RUSSELL.

No. 15.

Mr. Adams to Earl Russell.—(Received August 18.)

My Lord, *Legation of the United States, London, September 17, 1863.*

I HAVE had the honour to receive your note of the 14th instant, in reply to mine of the 24th ultimo, presenting the claim of Messrs. Upton on account of the destruction of the ship "Nora." I shall transmit a copy of the same for the consideration of my Government, with whom the withdrawal of instructions necessarily rests. In the meantime I shall abstain from presenting the papers in another case which have come to hand until further advices.

I cannot but regret that your Lordship should have adduced the evidence of Mr. Laird in support of any proposition made to my Government. I trust that I may be pardoned if I remind you that the statements made heretofore by that person in Parliament respecting their action are not such as are likely to lead to their implicit credence in any relating to his own.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 16.

Mr. Adams to Earl Russell.—(Received September 30.)

My Lord, *Legation of the United States, London, September 29, 1863.*

I HAVE the honour to transmit the copy of a letter received by me from Mr. Walter Graham, Consul of the United States at Cape Town, in relation to certain occurrences at that place connected with the armed vessel called the "Alabama."

Without intending to sustain all the allegations therein contained, I cannot but consider that a sufficient basis of fact exists to support his remonstrance against the recognition of the captures of vessels, which appears to have been, at least partially, made by the authorities at Cape Town.

In the absence of special instructions on the subject, I take the liberty simply to present the papers for your Lordship's consideration, not doubting the disposition of Her Majesty's Government to do full justice in the premises.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 16.

Mr. Graham to Mr. Adams.

*United States' Consulate, Cape Town, Cape of Good Hope,
August 17, 1863.*

Sir,
THE Confederate steamer "Alabama" arrived on this coast on the 27th day of July, having captured six American vessels from the time she left Bahia, Brazil, viz., the

* No. 13.

"Amazonian," "Talisman," "Conrad," "S. Gildersleve," "Anna F. Schmidt," and "Express."

On the same day that she arrived on this coast she spoke a small British schooner named the "Rover," which reported her next day at this port (July 28). She was afterwards seen by other vessels on the morning of the 28th, but no intelligence was received here that she had entered any of the ports or bays of this Colony until Tuesday, the 4th of August, when the British schooner "Atlas" reported that she had entered Saldanha Bay on the 28th, and was still there, her crew being engaged in painting her.

Captain Boyce, of the "Atlas," said he was requested by Captain Semmes to take some prisoners to me at Cape Town, but he declined to do so.

On hearing this intelligence I wrote the following letter to the Governor, which I carried in person, to request an interview on the subject to which it treated:—

"United States' Consulate, Cape Town, August 4, 1863.

"His Excellency Sir Philip E. Wodehouse.

"Sir,

"From reliable information received by me, and which you are also doubtless in possession of, a war-steamer called the 'Alabama' is now in Saldanha Bay being painted, discharging prisoners of war, &c.

"The vessel in question was built, in England, to prey upon the commerce of the United States of America, and escaped therefrom while on her trial-trip, forfeiting bonds of 20,000*l*, which the British Government exacted under the Foreign Enlistment Act.

"Now, as your Government has a Treaty of Amity and Commerce with the United States, and has not recognized the persons in revolt against the United States as a Government at all, the vessel alluded should be at once seized and sent to England, from whence she clandestinely escaped. Assuming that the British Government was sincere in exacting the bonds, you have doubtless been instructed to send her home to England, where she belongs. But if, from some oversight, you have not received such instructions, and you decline the responsibility of making the seizure, I would most respectfully protest against the vessel remaining in any port of the Colony another day. She has been at Saldanha Bay four [six] days already, and a week previously on the coast, and has forfeited all right to remain an hour longer by this breach of neutrality. Painting a ship does not come under the head of 'necessary repairs,' and is no proof that she is unseaworthy; and to allow her to visit other ports after she has set the Queen's proclamation of neutrality at defiance would not be regarded as in accordance with the spirit and purpose of that document.

"Yours, &c.

(Signed) "WALTER GRAHAM, *United States' Consul.*"

Not finding the Governor at home, I left the above letter. Next morning, the 5th of August, I received the following:—

"Sir,

"Colonial Office, August 5, 1863.

"I am directed by the Governor to acknowledge the receipt of your letter of yesterday's date relative to the 'Alabama.'

"His Excellency has no instructions, neither has he any authority, to seize or detain that vessel; and he desires me to acquaint you that he has received a letter from the Commander, dated the 1st instant, stating that repairs were in progress, and as soon as they were completed he intended to go to sea. He further announces his intention of respecting strictly the neutrality of the British Government.

"The course which Captain Semmes here proposes to take is, in the Governor's opinion, in conformity with the instructions he has himself received relative to ships of war and privateers belonging to the United States and the States calling themselves the Confederate States of America visiting British ports.

"The reports received from Saldanha Bay induce the Governor to believe that the vessel will leave that harbour as soon as her repairs are completed; but he will, immediately on receiving intelligence to the contrary, take the necessary steps for enforcing the observance of the rules laid down by Her Majesty's Government.

"I have, &c.

(Signed) "L. ADAMSON,
"For the Colonial Secretary."

About 2 o'clock P.M. on the same day (August 5), it was reported from the signal-station of the harbour that the steamer "Alabama" was standing in, and also an American barque; and shortly after it was signalled that the steamer was standing towards the

barque. On hearing this I at once took a cab and proceeded in the direction of Green Point, about two miles from my office, where I witnessed the capture of the barque "Sea Bride" by the "Alabama." I immediately proceeded to the Governor's house and told him what I had seen, protesting at the same time against the capture because it was permitted in British waters.

His Excellency remarked that the question of infringement of neutral rights would be purely dependent on testimony; but he assured me that in any event no breach of neutrality would be permitted, so far as he could prevent it. He concluded the interview by stating that he would immediately telegraph the Admiral of the station at Simon's Bay to send a war-vessel round to this harbour (Table Bay) to enforce a strict neutrality; and requested me to put my protest in writing.

At 3 o'clock I returned to my office, and at 4 o'clock I dispatched the following letter:—

"United States' Consulate, Cape Town, August 5, 1863.

"To his Excellency Sir Philip E. Wodehouse.

"Sir,

"The Confederate steamer 'Alabama' has just captured an American barque off Green Point, or about four miles from the nearest land (Robben Island): I witnessed the capture with my own eyes, as did hundreds of others at the same time. This occurrence at the entrance of Table Bay, and clearly in British waters, is an insult to England, and a grievous injury to a friendly Power; the United States.

"Towards the Government of my country and her domestic enemies the Government of England assumes a position of neutrality, and if the neutrality can be infringed with impunity, in this bold and daring manner, the Government of the United States will no doubt consider the matter as one requiring immediate explanation.

"Believing that the occurrence was without your knowledge or expectation, and hoping you will take such steps to redress the outrage as the exigency requires, I am, &c.

(Signed) "WALTER GRAHAM, *United States' Consul.*"

About 5 o'clock his Excellency sent for me to the Custom-house, and informed me that Captain Semmes desired to land some prisoners, and that he, the Governor, would grant permission provided I would agree to support them. This I consented to do, and the Governor then acknowledged the receipt of my letter, and repeated his assurances that no breach of neutrality would be permitted.

Next morning (Thursday, August 6), I received the following:—

"Sir, *"Colonial Office, August 6, 1863.*

"I am directed by the Governor to acknowledge the receipt of your letter of yesterday's date respecting the capture of the 'Sea Bride' by the 'Alabama,' and to acquaint you that he will lose no time in obtaining accurate information as to the circumstances of the capture.

"I have, &c.

(Signed) "RAWSON W. RAWSON, *Colonial Secretary.*"

About the same time this letter was received all the prisoners were landed, fifteen of whom were the crew of the "Anna F. Schmidt," fifteen of the "Express," and twelve of the "Sea Bride."

On the afternoon of the same day I dispatched the following:—

"Sir, *"United States' Consulate, Cape Town, August 6, 1863.*

"I have the honour to acknowledge the receipt of your despatch of this date.

"I beg now to inclose, for your Excellency's perusal, the affidavit of Captain Charles F. White, of the 'Sea Bride,' protesting against the capture of the said barque in British waters. The bearings taken by him at the time of capture conclusively show that she was in neutral waters, being about two and a-half miles from Robben Island. This statement is doubtless more satisfactory than the testimony of persons who measured the distance by the eye.

"I believe there is no law defining the word 'coast' other than international law. That law has always limited neutral waters to the fighting distance from land, which, upon the invention of gunpowder, was extended to a distance of three nautical miles from land on a straight coast, and by the same rule, since the invention of Armstrong rifled cannon, to at least six miles.

"But all waters inclosed by a line drawn between two promontories or headlands are recognized by all nations as neutral, and England was the first that adopted the rule, calling such waters the 'King's chambers.' By referring to 'Wheaton's Digest,' page 234, or any other good work on international law, you will find the above rules laid down and elucidated.

"The fact that the prize has not already been burned, and that her fate is still in suspense, is clear proof that Captain Semmes had misgivings as to the legality of the capture, and awaits your Excellency's assent. If you decide that the prize was legally taken, you will assume a responsibility which Captain Semmes himself declined to take.

"I have, &c.

(Signed)

"WALTER GRAHAM, *United States' Consul.*"

"United States' Consulate, Cape Town, August 6, 1863.

"ON this 6th day of August, A.D. 1863, personally appeared before me, Walter Graham, Consul of the United States at Cape Town, Charles F. White, Master of the barque 'Sea Bride,' of Boston, from New York, and declared on affidavit that, on the 3rd day of August instant, he sighted Table Mountain and made for Table Bay, but that on the 4th instant, night coming on, he was compelled to stand out. On the 5th instant he again made for the anchorage, and about 2 P.M. saw a steamer standing towards the barque, which he supposed was the English mail-steamer. but on nearing her he found her to be the Confederate steamer 'Alabama.' He, Captain White, was peremptorily ordered to heave his vessel to as a prize to the 'Alabama.' One gun was first fired, and immediately after the demand was made another gun was fired. Two boats were lowered from the 'Alabama' and sent on board the barque. The officer in charge of these boats demanded the ship's papers, which the said Master was compelled to take on board the said steamer. This happened about a quarter before 3 o'clock. He and his crew were immediately taken from his vessel and placed as prisoners on board the 'Alabama,' the officers and crew being put in irons. The position of the barque at the time of capture was as follows: Green Point Light-house bearing south by east; Robben Island Light-house, north-east.

"The said appearer did further protest against the illegal capture of said vessel, as she was in British waters at the time of capture, according to bearings.

"Thus done and protested before me, the said Consul, the day, month, and year above written.

(Signed)

"WALTER GRAHAM, *United States' Consul.*

"CHARLES F. WHITE, *Master, 'Sea Bride.'*"

Next morning (August 7) I received the following:—

"Sir,

"Colonial Office, August 7, 1863.

"I am directed by the Governor to acknowledge the receipt of your letter of yesterday's date, inclosing an affidavit made by the master of the 'Sea Bride,' and to acquaint you that an inquiry into them is now in progress.

"I have, &c.

(Signed)

"RAWSON W. RAWSON, *Colonial Secretary.*"

On the same day I sent the Governor the following:—

"United States' Consulate, Cape Town, August 7, 1863.

"His Excellency Sir Philip E. Wodehouse.

"Sir,

"Understanding from your letter of this date, received this morning, that the case of the 'Sea Bride' is still pending, I inclose the affidavits of the first officer of that vessel and the cook and steward, which I hope will throw additional light on the subject.

"From the affidavit of the first officer it appears that the alleged prize was brought with one and a-half miles of Green Point Light-house yesterday, at 1 o'clock P.M. Now, as the vessel was at that time in charge of a prize crew, it was a violation of neutrality as much as if the capture had been made at the same distance from land.

"Pending your decision of the case I would most respectfully suggest that the prize crew on board the 'Sea Bride' be removed, and that the vessel be put in charge of a crew from Her Majesty's ship 'Valorous.'

(Signed)

"WALTER GRAHAM, *United States' Consul.*"

The inclosures of the above letter gave the bearing of the ship at the time mentioned, which were as follows: Robben Island Light-house, north-east by north- $\frac{1}{2}$ -north; Green Point Light-house, south-west- $\frac{1}{2}$ -west.

The steward also testified that orders were given to burn the "Sea Bride" at 2 o'clock A.M., on the 6th, which were afterwards countermanded when all was ready.

On Friday I learned, unofficially, that testimony had been taken that day before a Clerk of the Peace in Cape Town, in relation to the capture of the "Sea Bride," and that the testimony consisted of statements as to the distance from land, estimated by persons on land, at the time of capture, and that the testimony of Captain White and others of the "Sea Bride" and of the "Alabama" was thrown out or not taken.

On Saturday at 4 o'clock P.M. I received the following:—

"Sir,

"Colonial Office, August 8, 1863.

"With reference to the correspondence that has passed relative to the capture by the Confederate States' steamer 'Alabama' of the barque 'Sea Bride,' I am directed by the Governor to acquaint you that, on the best information he has been able to procure, he has come to the conclusion that the capture cannot be held to be illegal, or in violation of the neutrality of the British Government, by reason of the distance from land at which it took place.

"His Excellency will, by next mail, make a full report of the case to Her Majesty's Government.

"I have, &c.

(Signed) "RAWSON W. RAWSON, *Colonial Secretary.*"

On Monday morning I dispatched the following:—

"United States' Consulate, Cape Town, August 10, 1863.

"His Excellency Sir Philip E. Wodehouse.

"Sir,

"Your decision in the case of the 'Sea Bride' was duly received at 4 o'clock P.M. on Saturday. In communicating that decision you simply announce that the vessel was, in your opinion, and according to evidence before you, a legal prize to the 'Alabama;' but you omit to state the principle of international law that governed your decision, and neglect to furnish me with the evidence relied upon by you.

"Under these circumstances I can neither have the evidence verified or rebutted here, nor am I enabled to transmit it as it stands to the American Minister at London, nor to the United States' Government at Washington. An invitation to be present when the *ex parte* testimony was taken was not extended to me, and I am therefore ignorant of the tenor of it, and cannot distinguish the portion thrown out from that which was accepted. If your decision is that the neutral waters of this Colony only extend a distance of three miles from land, the character of that decision would have been aptly illustrated to the people of Cape Town had an American war-vessel appeared on the scene, and engaged the 'Alabama' in battle. In such a contest with cannon carrying a distance of six miles (three over land), the crashing buildings in Cape Town would have been an excellent commentary on your decision.

"But the decision has been made and cannot be revoked here, so that further comment at present is, therefore, unnecessary. It can only be reversed by the Government you represent, which it probably will be when the United States' Government shall claim indemnity for the owners of the 'Sea Bride.'

"An armed vessel named the 'Tuscaloosa,' claiming to act under the authority of the so-called Confederate States, entered Simon's Bay on Saturday the 8th instant. That vessel was formerly owned by citizens of the United States, and while engaged in lawful commerce was captured as a prize by the 'Alabama.' She was subsequently fitted out with arms by the 'Alabama' to prey upon the commerce of the United States, and now, without having been condemned as a prize by any Admiralty Court of any recognized Government, she is permitted to enter a neutral port in violation of the Queen's Proclamation, with her original cargo on board. Against this proceeding I hereby most emphatically protest, and I claim that the vessel ought to be given up to her lawful owners. The capture of the 'Sea Bride' in neutral waters, together with the case of the 'Tuscaloosa,' also a prize, constitute the latest and best illustration of British neutrality that has yet been given.

"I have, &c.

(Signed) "WALTER GRAHAM, *United States' Consul.*"

On the same day I received the following :—

“Sir,

“Colonial Office, August 10, 1863.

“I am directed by the Governor to acknowledge the receipt of your letter of this date, and to state with reference to that part of it which relates to the ‘Tuscaloosa,’ that his Excellency is still in correspondence with the Commander-in-chief respecting the character of that vessel, and the privileges to which she is entitled.

“I have, &c.

(Signed) “RAWSON W. RAWSON, Colonial Secretary.”

I did not reply to the foregoing until Wednesday the 12th instant, when I sent the following :—

“Sir,

“United States’ Consulate, Cape Town, August 12, 1863.

“Upon receiving your last communication to me dated the 10th instant, I deemed it simply a report of progress on one subject treated of in my last letter to your Excellency, and I have therefore waited anxiously for the receipt of another letter from the Colonial Secretary communicating the final result in that case. Failing to receive it, and hearing yesterday p.m. that the ‘Tuscaloosa’ would proceed to sea from Simon’s Bay to-day, I applied for an injunction from the Supreme Court to prevent the vessel sailing before I had an opportunity of showing by witnesses that she is owned in Philadelphia in the United States; that her true name is ‘Conrad;’ that she has never been condemned as a prize by any legally constituted Admiralty Court; and that I am *ex officio* the legal agent of the owners, underwriters, and all others concerned. I have not yet learned the result of that application, and fearing that delay may allow her to escape, I would respectfully urge you to detain her in port until the proper legal steps can be taken.

“I am well aware that your Government has conceded to the so-called Confederate States the rights of belligerents, and is thereby bound to respect Captain Semmes’ commission; but having refused to recognize the ‘Confederacy’ as a nation, and having excluded his captures from all the ports of the British Empire, the captures necessarily revert to their real owners, and are forfeited by Captain Semmes as soon as they enter a British port.

“Hoping to receive an answer to this and the preceding letter as early as possible, and that you will not construe my persistent course throughout this correspondence on neutral rights as importunate, or any remarks as inopportune, I have, &c.

(Signed)

“WALTER GRAHAM, United States’ Consul.”

Late on the same day I received the following :—

“Sir,

“Colonial Office, August 12, 1863.

“I am directed by the Governor to acknowledge the receipt of your letter of this date, and to acquaint you that it was not until late last evening that his Excellency received from the Naval Commander-in-chief information that the condition of the ‘Tuscaloosa’ was such as, as his Excellency is advised, to entitle her to be regarded as a vessel of war.

“The Governor is not aware, nor do you refer him to the provisions of international law by which captured vessels, as soon as they enter our neutral ports, revert to their real owners, and are forfeited by their captors. But his Excellency believes that the claims of contending parties to vessels captured can only be determined in the first instance by the Courts of the captor’s country.

“The Governor desires me to add that he cannot offer any objection to the tenor of the correspondence which you have addressed to him on this subject, and that he is very sensible of the courtesy you have exhibited under such very peculiar circumstances. He gives you credit for acting on a strict sense of duty to your country.

“I have, &c.

(Signed) “RAWSON W. RAWSON, Colonial Secretary.”

On the 17th instant (Monday) I wrote the following letter :—

“Sir,

“United States’ Consulate, Cape Town, August 17, 1863.

“I have delayed acknowledging the receipt of your last letter dated the 12th August on account of events transpiring, but which have not yet culminated so as to form the subject of correspondence.

“Your decision that the ‘Tuscaloosa’ is a ‘vessel of war,’ and by inference a prize, astonishes me, because, I do not see the necessary incompatibility. Four guns were taken

from on board the 'Talisman' (also a prize) and put on board the 'Conrad' ('Tuscaloosa'), but that transfer did not change the character of either vessel as a prize, for neither of them could cease to be a prize till it had been condemned in an Admiralty Court of the 'captor's country,' which it is not pretended has been done. The 'Tuscaloosa,' therefore, being a prize, was forbidden to enter Simon's Bay by the Queen's Proclamation, and should have been ordered off at once, but she was not so ordered. Granting that Her Majesty's Proclamation affirmed the right of Captain Semmes as a 'belligerent' to take and to hold prizes on the high seas, it just as emphatically denied his right to hold them in British ports. Now, if he could not hold them in Simon's Bay, who else could hold them except those whose right to hold them was antecedent to his—that is, the owners?

"The 'Tuscaloosa' remained in Simon's Bay seven days with her original cargo of skins and wool on board. This cargo, I am informed by those who claim to know, has been purchased by merchants in Cape Town; and if it should be landed here directly from the prize, or be transferred to other vessels at some secluded harbour on the coast beyond this Colony, and brought from thence here, the infringement of neutrality will be so palpable and flagrant that Her Majesty's Government will probably satisfy the claims of the owners gracefully and at once, and thus remove all cause of complaint. In so doing it will have to disavow and repudiate the acts of its Executive Agents here—a result I have done all in my power to prevent.

"Greater cause of complaint will exist if the cargo of the 'Sea Bride' is disposed of in the same manner, as I have reason to apprehend it will be when negotiations are concluded; for being originally captured in neutral waters, the thin guise of neutrality would be utterly torn into shreds by the sale of her cargo here.

"The 'Georgia,' a Confederate war-steamer, arrived at Simon's Bay yesterday, and the 'Florida,' another vessel of the same class, has arrived or is expected hourly at Saldanha Bay, where she may remain a week without your knowledge, as the place is very secluded. The 'Alabama' remained here in Table Bay nearly four days and at Simon's Bay six days; and as the 'Tuscaloosa' was allowed to remain at Simon's Bay seven days, I apprehend that the 'Georgia' and 'Florida' will meet with the same or even greater favours. Under such circumstances further protests from me would seem to be unavailing, and I only put the facts upon record for the benefit of my Government and officials possessed of diplomatic functions.

"I have, &c.

(Signed) "WALTER GRAHAM, *United States' Consul.*"

I have not as yet received any answer to the foregoing letter, and I have little else to communicate beyond what is embraced in my correspondence.

The "Georgia" reports no capture since she left Bahia, Brazil. The "Alabama" and "Tuscaloosa" are cruising on this coast near Table Bay.

No American war-ships have yet appeared here, but they are anxiously looked for.

Two merchants from this place have gone to Saldanha Bay to buy prize cargoes; when they return I will watch their proceedings closely.

A company of speculators offered Captain Semmes 4,000*l.* for the "Sea Bride" and cargo, and he would have taken it, but he wanted a bond that they would not revert to the enemy. They offered me a large bribe if I would give my authority to have them sold here for the benefit of the underwriters, they asking 7,000*l.* for the ransom; but I refused to give them any authority to sell. This was before Captain Semmes spoke of the bond.

Should anything else occur in connection with this affair I will let you know as soon as any mail leaves here.

* * * * *

I have, &c.

(Signed) WALTER GRAHAM, *United States' Consul.*

No. 17.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, October 2, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 29th ultimo, inclosing copies of communications which have been made to you by the Consul of the United States at Cape Town relative to the proceedings at that place of the steam-vessel

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"Alabama," and I beg to inform you that the matter has already been brought to the notice of Her Majesty's Government, and is now under their consideration.

I am, &c.
(Signed) RUSSELL.

No. 18.

Mr. Adams to Earl Russell. — (Received October 23.)

My Lord,

Legation of the United States, London, October 23, 1863.

IT may be within your recollection that in the note of the 17th of September which I had the honour to address to you in reply to yours of the 14th of the same month, respecting the claim for the destruction of the ship "Nora," and other claims of the same kind, which I had been instructed to make, I expressed myself desirous to defer to your wishes that they should not be further pressed on the attention of Her Majesty's Government, so far as to be willing to refer the question of the withdrawal of my existing instructions back for the consideration of my Government. I have now the honour to inform your Lordship of the result of that application.

After a careful re-survey of all the facts connected with the outfit and later proceedings of the gun-boat No. 290, now known as the war-steamer "Alabama," I regret to report to you that the Government of the United States finds itself wholly unable to abandon the position heretofore taken on that subject.

The reasons for this conclusion have been so often explained in the correspondence which I have heretofore had the honour to hold with your Lordship touching this case that I shall endeavour to confine myself to a brief recapitulation.

The United States understand that they are at peace with Great Britain. That peace is furthermore secured by Treaties which oblige both parties to refrain and to restrain their subjects from making war against each other.

They greatly regret to be compelled to admit the fact that the vessel known first as the gun-boat No. 290, and now as the "Alabama," is roving over the seas capturing, burning, sinking, and destroying American vessels without lawful authority from any source recognized by international law, and in open defiance of all judicial tribunals established by the common consent of civilized nations as a restraint upon such a piratical mode of warfare.

That this vessel was built with the intent to make war against the United States by British subjects, in a British port, and that she was prepared there to be armed and equipped with a specified armament adapted to her construction for the very purpose she is now pursuing, does not appear to them to admit of dispute.

That this armament and equipment, adapted to this ship and no other, were simultaneously prepared by British subjects in a British port, with the intent to complete her preparation for her career, seems equally clear. Furthermore, it is sufficiently established that when this vessel was ready, and her armament and equipment were equally ready, she was clandestinely sent, by the connivance of her British holders, and the armament and equipment were at the same time clandestinely sent, through the connivance of the same or other British subjects who prepared them, to a common point outside of British waters, and there the armament and equipment of this vessel as a war-ship were completed.

This war-ship thus deriving all its powers to do mischief from British sources, manned by a crew of British subjects enlisted in and proceeding from a British port, then went forth on her work to burn and destroy the property of the people of the United States, in fraud of the laws of Great Britain and in violation of the peace and sovereignty of the United States. From the earliest to the latest day of her career she does not appear to have ever gained any other national character on the ocean than that which belonged to her in her origin.

From a review of all these circumstances essential to a right judgment of the question, the Government of the United States understand that the purpose of the building, armament, equipment and expedition of this vessel, carried with it one single criminal intent running equally through all the portions of this preparation, fully complete and executed when the gun-boat "No. 290" assumed the name of the "Alabama;" and that this intent brought the whole transaction in all its several parts here recited, within the lawful jurisdiction of Great Britain, where the main portions of the crime were planned and executed.

Furthermore, the United States are compelled to assume that they gave due and sufficient previous notice to Her Majesty's Government that this criminal enterprise was

begun and in regular process of execution, through the agencies herein described, in one of Her Majesty's ports. They cannot resist the conclusion that the Government was then bound by Treaty obligations and by the law of nations to prevent the execution of it. Had it acted with the promptness and energy required by the emergency, they cannot but feel assured the whole scheme must have been frustrated. The United States are ready to admit that it did act so far as to acknowledge the propriety of detaining this vessel for the reasons assigned, but they are constrained to object that valuable time was lost in delays, and that the effort when attempted was too soon abandoned. They cannot consider the justice of their claim for reparation liable to be affected by any circumstances connected with those mere forms of proceeding on the part of Great Britain which are exclusively within her own control.

Upon these principles of law and these assumptions of fact resting upon the evidence in the case, I am instructed to say that my Government must continue to insist that Great Britain has made itself responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the vessel called the "Alabama."

In repeating this conclusion, however, it is not to be understood that the United States incline to act dogmatically, or in a spirit of litigation. They desire to maintain amity as well as peace. They fully comprehend how unavoidably reciprocal grievances must spring up from the divergence in the policy of the two countries in regard to the present insurrection. They cannot but appreciate the difficulties under which Her Majesty's Government is labouring from the pressure of interests and combinations of British subjects apparently bent upon compromising by their unlawful acts the neutrality which Her Majesty has proclaimed and desires to preserve, even to the extent of involving the two nations in the horrors of a maritime war. For these reasons I am instructed to say, that they frankly confess themselves unwilling to regard the present hour as the most favourable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question. Though indulging a firm conviction of the correctness of their position in regard to this and other claims, they declare themselves disposed, at all times, hereafter as well as now, to consider in the fullest manner all the evidence and the arguments which Her Majesty's Government may incline to proffer in refutation of it; and in case of an impossibility to arrive at any common conclusion I am directed to say, there is no fair and equitable form of Conventional arbitrament or reference to which they will not be willing to submit.

Entertaining these views, I crave permission to apprise your Lordship that I have received directions to continue to present to your notice claims of the character heretofore advanced, whenever they arise, and to furnish the evidence on which they rest, as is customary in such cases, in order to guard against possible ultimate failure of justice from the absence of it.

In accordance with these instructions I now do myself the honour to transmit the papers accompanying the cases heretofore withheld, pending the reception of later information.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 18.

Mr. Weaver to Mr. Seward.

Sir,

New York, September 5, 1863.

HEREWITH I inclose a claim against the Government of the United States, together with the documentary evidence of the claim, for the loss and destruction of the barque "Union Jack," by the so-called Confederate States' steamer Alabama. And I beg to request that you will have it filed for such action as may hereafter be taken, in other cases of a like nature.

With utmost respect, &c.
(Signed) C. P. WEAVER,
Late Master of barque "Union Jack."

Inclosure 2 in No. 18.

Declaration of Charles P. Weaver.

United States of America, Commonwealth of Massachusetts, Suffolk, ss., City of Boston.

BE it known to all whom it doth or may concern, that on this 23rd day of July, A.D. 1863, before me, George Howland Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, personally appeared Charles P. Weaver, of Braintree, in the county of Norfolk, commonwealth of Massachusetts, master mariner, who did on oath declare that he was the owner of twenty sixty-fourth parts of the barque "Union Jack," of Boston, in the commonwealth aforesaid, of the burden of $482\frac{87}{8}$ tons, and that he was the sole agent for and representing the owners of the other portions of the said barque "Union Jack," as appears by a power of attorney duly executed, a copy of which is herewith annexed, marked A; that the said barque was owned as follows:—

Charles P. Weaver, twenty sixty-fourths, Benjamin F. Delane two sixty-fourths, Frederick Chandler one sixty-fourth, Charles A. Cousins one sixty-fourth, Elisha H. Ryder two sixty-fourths, Maurice M. Pigott two sixty-fourths, Albert B. Law one sixty-fourth, Wm. H. Hoskins one sixty-fourth, Henry Pigeon four sixty-fourths, of Boston, commonwealth aforesaid; Norton Pratt, of South Braintree, commonwealth aforesaid, sixteen sixty-fourths; Luther A. Robie, of Nashua, State of New Hampshire, eight sixty-fourths, Louisa Wilde one sixty-fourth, Howe Averell & Co. one sixty-fourth, and John Atkinson one-sixteenth, as will be seen by reference to the certificate of the Collector of Customs at Boston of the register of said barque, which is hereto annexed, marked B; that the said barque "Union Jack," under the command of C. P. Weaver, sailed from the port of New York, on the 28th day of March, A.D. 1863, laden with a general cargo, and bound to the port of Shanghai, China. That the voyage was pursued without injury and nothing worthy of note occurred on board until the 3rd day of May following, when in latitude $9^{\circ} 40'$, longitude $32^{\circ} 30'$, the said barque was seized and captured by the Confederate steamer "Alabama," and, by the crew of said steamer, the said barque was set on fire and burned and destroyed, together with her cargo and stores; that on the 12th day of May following the master and crew of said barque were landed at the port of Bahia, when they extended a protest before Thomas F. Wilson, United States' Consul at that port, setting forth a full account of the seizure and destruction of said barque "Union Jack" and her cargo, a certified copy of which is herewith annexed, marked C; that by this seizure and destruction this appearer and the other appearers and the other owners, whom he represents, have suffered injury and loss to the amount of 48,720 dollars, as follows:—By the destruction of the barque aforesaid 35,000 dollars, as per estimate of E. C. Davis, Esq., Marine Inspector for the Boston Board of Underwriters, certificate of which is herewith annexed, marked D; and the further sum of 6,000 dollars being the balance due under the charter-party payable in Shanghai, which together with the premium of exchange on Shanghai at this time, making the sum set forth, a copy of which charter-party is herewith annexed, marked E. And this appearer claims for loss of his nautical instruments and personal effects, stores for the use of the crew and belonging to him this appearer, and his expenses of passage and return to the United States, together with loss to himself, in consequence of the breaking up of the voyage, in the sum of 7,720 dollars, as set forth in statement of particulars marked F, making the aforesaid sum of 48,720 dollars.

And now the said appearer Charles P. Weaver, in behalf of himself and the other owners whom he represents, prefers a claim against the Government of the United States of America, holding them responsible for all losses and expenses arising from the seizure, restraint, detainment, and destruction of the vessel aforesaid, this appearer and those he represents holding themselves ready to furnish any additional proof desired in the premises; and the said appearer believes that in equity the Government of the United States of America is bound to indemnify and hold them harmless for all losses, together with interest and expenses in consequence of the seizure herein set forth.

(Signed) C. P. WEAVER.

In testimony whereof I hereunto set my hand and notarial seal at the city of Boston, this 23rd day of July, A.D. 1863; and the said Charles P. Weaver hath in my presence affixed his name, having solemnly sworn to the truth of the foregoing declaration.

(Signed) GEORGE H. FOLGER, *Notary Public and Justice of the Peace.*

(A.)—*Letter of Attorney.*

KNOW all men by these presents, that we, Abiel Gove and Elbridge G. Choate, co-partners under the firm name of Gove and Choate, Otis C. Howe, John Howe, junior, Samuel Averill and Edward Johnson, co-partners under the firm name of Howe, Averill, and Co., Benjamin, F. Delano, Henry Pigeon, Frederick Chandler, Charles A. Cousins, Elisha H. Ryder, Maurice M. Pigott, Albert B. Lowe, William H. Hoskins, and Louisa Wilde, all of Boston, in the Commonwealth of Massachusetts, and United States of America; Norton Pratt, of South Braintree, in the Commonwealth aforesaid, and Luther A. Robey, of Nashua, in the State of New Hampshire, and United States of America, being with Charles P. Weaver, of Dorchester, in the Commonwealth aforesaid, the sole owners of the American vessel "Union Jack," hereinafter described in the following proportions, viz.: the said Weaver, twenty sixty-fourths; the said Pratt, sixteen sixty-fourths; the said Robie, eight sixty-fourths: the said Gove and Choate, co-partners, four sixty-fourths; the said Pigeon, four sixty-fourths; the said Delano, Ryder, and Pigott, two sixty-fourths each; the said Howes, Johnson, and Averill, co-partners, one sixty-fourth, and the said Chandler, Cousins, Lowe, Hoskins, and Wilde, one sixty-fourth each, have appointed, constituted, and made, and in our stead and place, put Charles P. Weaver aforesaid to be our true, sufficient, and lawful attorney for us, and in our names and stead, and to his own and our use, to sell and dispose of, at his discretion, the said American vessel "Union Jack," whereof he, the said Weaver, is now master, her hull and body, with all the masts, sails, bowsprits, boats, anchors, cables, furniture, and other appurtenances thereto belonging, and at such price, and upon such terms of payment, as our said attorney may see fit; and in our names, and in the name of each of us to sign, seal, acknowledge, and deliver all bills of sale, or such other instruments of conveyance as may be necessary or convenient for the due transfer of the title to said vessel and appurtenances, and to receive payment therefor in his own name and our behalf.

The said vessel "Union Jack" is registered at the port of Boston, in the district of Massachusetts, in the United States of America; has two decks, three masts, an elliptic stem, and a figure head. She is a barque, and her length is $130\frac{8}{10}$ feet; her breadth $28\frac{4}{10}$ feet; her depth $16\frac{2}{10}$ feet; and she measures $482\frac{2}{7}$ tons.

Giving, and hereby granting, unto our said attorney full and whole strength, power, and authority in and about the premises, in our names to seal, execute, acknowledge, and deliver all necessary deeds and other instruments of conveyance or acquittances, and to take and use all due means, course, and process in the law for obtaining and recovering all and singular the sum and sums of money, debts, goods, wares, merchandise, effects, and things whatsoever, which shall be due, payable, or in any way coming to us, in or by reason of the premises, and of recoveries and receipts thereof; and in our name to make, seal, and execute due acquittance and discharge; and for the premises to appear, and the persons of us the constituents to represent before any Governor, Judges, justices, officers, and ministers of the law whomsoever, in any Court or Courts of Judicature, and there, on our behalf, to answer, defend, and reply unto all actions, causes, matters, and things whatsoever relative to the premises. Also to submit any matter in dispute in the premises to arbitration or otherwise; with full power to make and substitute one or more attorneys under him, our said attorney, and the same again at pleasure to revoke; and generally to say, do, act, transact, determine, accomplish, and finish all matters and things whatsoever relating to the premises as fully, completely, and effectually, to all intents and purposes as we, the said constituents, if present, ought or might personally, although the matter should require more special authority than is herein comprised; we, the said constituents, ratifying, allowing, and holding firm and valid all and whatsoever our said attorney or his substitutes shall lawfully do, or cause to be done, in and about the premises, by virtue of these presents.

In witness whereof, we, the said constituents, have hereunto set our hands and seals this 7th day of March, A.D. 1863.

(Signed) Abiel Gove.
Elbridge G. Choate.
Otis C. Howe.
John Howe, Jun.
Samuel Averill.
Edward Johnson.
Benj. F. Delano.
Henry Pigeon.
Fredk. Chandler.

(Signed) Charles A. Cousins.
Elisha H. Ryder.
Maurice M. Pigott.
Albert B. Lowe.
Wm. H. Hoskins.
Louisa Wilde.
Norton Pratt.
Luther A. Robey.

*Her Britannic Majesty's Consulate, States of Massachusetts
and Rhode Island.*

I, Francis Lousada, Her Britannic Majesty's Consul for the States of Massachusetts and Rhode Island, do hereby certify that the undermentioned parties, viz., Abiel Gove, Elbridge G. Choate, Otis C. Howe, John Howe, junior, Samuel Averill, Edmund Johnson, Benjamin F. Delano, Henry Pigeon, Frederick Chandler, Charles A. Cousins, Elisha H. Ryder, Maurice M. Pigott, Albert B. Lowe, W. H. Hoskins, Louisa Wilde, Norton Pratt, and Luther A. Robey, personally appeared before me this day, and executed the within annexed document, and severally made oath that it was of their own free will, and for the purposes therein set forth.

In testimony whereof I have hereunto set my hand and affixed my seal of office at Boston, this 7th day of March, A.D. 1863.

(Signed) FRANCIS LOUSADA, *Her Britannic Majesty's Consul for
Massachusetts and Rhode Island.*

United States of America, Commonwealth of Massachusetts, Suffolk, ss., City of Boston.

I, George H. Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of an original power of attorney now before me.

In testimony whereof I have hereunto set my hand and notarial seal at Boston this 12th day of August, A.D. 1863.

(Signed) GEORGE H. FOLGER, *Notary Public.*

(B.)

Port of Boston and Charleston.

Custom-house, Boston, Collector's Office, June 26, 1863.—I hereby certify that according to the records in this office the barque "Union Jack," of 482 $\frac{8}{5}$ tons, was registered at this office December 16, 1862, and the following were her owners, namely:—Charles P. Weaver twenty-sixty-fourths, Benjamin F. Delano two sixty-fourths, Frederick Chandler one sixty-fourth, Charles A. Cousins one sixty-fourth, Elisha H. Ryder two sixty-fourths, Maurice M. Pigott two sixty-fourths, Albert B. Low one sixty-fourth, William H. Hoskins one sixty-fourth, Henry Pigeon four sixty-fourths, Abiel Gove and Elbridge G. Choate, co-partners, six sixty-fourths, of said Boston; Norton Pratt, sixteen sixty-fourths, of South Braintree, State of Massachusetts; Luther A. Robie eight sixty-fourths, of Nashua, State of New Hampshire. And the following transfers have been recorded since the date of the register:—Abiel Gove and Elbridge G. Choate, by bill of sale, one sixty-fourth to Louisa Wilde, December 19, 1862; recorded December 22, 1862. Abiel Gove and Elbridge G. Choate, by bill of sale, one sixty-fourth to Howe Averill and Co., December 19, 1862; recorded January 19, 1863. Abiel Gove and Elbridge G. Choate, by bill of sale, one-sixteenth to John Atkenson, March 6, 1863; recorded June 27, 1863.

And there is no mortgage or other lien on record against said vessel in this office.

Given under my hand and seal of office this 26th day of June, 1863.

(Signed) J. Z. GOODRICH, *Collector.*

(C.)—*Marine Note of Protest.*

Consulate of the United States of America, Port of Bahia.

On this 12th. day of May, A.D. 1863, before me, Thomas F. Wilson, Consul of the United States of America for Bahia and the dependencies thereof, personally appeared C. P. Weaver, master of the ship or vessel called the "Union Jack" of Boston, of the burthen of 483 tons or thereabouts, and declared that on the 28th day of March last past he sailed in and with the said ship from the port of New York, laden with general cargo, and was captured and burned by the privateer "Alabama" on the 3rd day of May, 1863, in latitude 9° 40', longitude 32° 30', and landed in this port by the said privateer "Alabama" on this day, hereby enters this note of protest accordingly to serve and avail him hereafter if found necessary.

(Signed) C. P. WEAVER, *Master.*

Attested:

(Signed) THOS. F. WILSON, *United States' Consul.*

Consulate of the United States of America, Port of Bahia, Brazil, to wit:

By this public instrument of declaration and protest be it known and made manifest unto all to whom these presents shall come or may concern, that on the 12th day of May,

1863, before me, Thomas F. Wilson, Consul of the United States of America for Bahia and the dependencies thereof, personally came and appeared C. P. Weaver, master of the ship or vessel called the "Union Jack" of Boston, of the burden of 483 tons or thereabouts, who duly noted and entered with me, the said Consul, his protest for the uses and purposes hereinafter mentioned, and now, on this day, to wit the day of the date hereof, before me, the said Consul, again comes the said C. P. Weaver, and requires me to extend this protest, and together with the said C. P. Weaver also came George W. Coleman, mate, and George Loring and Alexander Crozier, seamen of and belonging to the said ship, all of whom being by me duly sworn, &c., did severally, voluntarily, freely and solemnly declare, depose and state as follows, that is to say: that these appearers, on the 28th day of March, in their capacities aforesaid, sailed in and with the said vessel from the port of New York, laden with general cargo, and bound to the port of Shanghai; that the said ship was then tight, staunch, and strong, had her cargo well and sufficiently stowed and secured, had her hatches well caulked and covered, was well and sufficiently manned, victualled and furnished with all things needful and necessary for a vessel in the merchant service, and particularly for the voyage she was about to undertake; that nothing worthy of note on board occurred until the 3rd day of May, when in latitude 9° 40' and longitude 32° 30', with the wind at east and light at 11:30 A.M., saw a sail on the port bow, about ten miles distant, bearing down upon us. At 1 P.M. made out that the sail was a steamer, and evidently intent upon boarding us. Kept the vessel off two points and endeavoured to avoid the steamer, but she came up with us rapidly, and about this time displayed the flag of the United States of America, and as soon as we displayed ours she immediately hauled hers down and signalled us to heave-to. It being now quite evident that she was the privateer "Alabama," and that we were entirely in their power, backed the mainyard. Immediately afterwards a boat came alongside, and informed us that we were a prize to the Confederate steamer "Alabama," the steamer setting the so-called Confederate States flag as the boat came alongside of us. After removing a part of our wearing apparel we were ordered on board the steamer, and at about 7 P.M. the barque was set on fire and the steamer hauled by the wind to the eastward, taking one of the barque's boats with her. At 9 P.M. all of the masts were gone and the hull even enveloped in flames. At daylight next morning nothing of the vessel could be seen. On the 12th of May were landed at the port of Bahia. And these said appearers, upon their oaths aforesaid, do further declare and say that during the said voyage they, together with the others of the said ship's company, used their utmost endeavours to preserve the said vessel and cargo from all manner of loss, damage, or injury. Wherefore the said C. P. Weaver, master, hath protested, and by these presents I, the said Consul, at his special instance and request, do publicly and solemnly protest against all and every person whom it doth or may concern, and against the winds and waves and billows of the sea, and against all and every accident, matter, and thing had and met with aforesaid, whereby and by reason whereof the said vessel or cargo already has, or hereafter shall appear to have suffered or sustained damage or injury; and do declare that all losses, damages, costs, charges, and expenses that have happened to the said vessel or cargo, or to either, are and ought to be borne by those to whom the same by right may appertain, by way of average or otherwise, the same having occurred as before mentioned, and not by or through the insufficiency of the said vessel, her tackle or apparel, or default or neglect of this appearer, his officers, or any of his mariners.

Thus done and protested in the port of Bahia, this 14th day of May, A.D. 1863. In testimony whereof these appearers have hereunto subscribed their names, and I, the said Consul, have granted to the said master this public instrument, under my hand and the seal of this Consulate, to serve and avail him, and all others whom it doth or may concern, as need and occasion may require.

(Signed)

THOS. F. WILSON, *United States' Consul.*

C. P. WEAVER, *Master.*

GEO. W. COLEMAN, *Mate.*

GEORGE C. LORING, *Seaman.*

ALEXANDER CROSIER, *Seaman.*

I, Thomas F. Wilson, Consul of the United States of America, for Bahia and Dependencies thereof, do hereby certify that the foregoing marine note of protest and extended protest, Nos. 1 and 2, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined, word for word, and figure for figure.

Given under my hand and the seal of this Consulate this 16th day of May, A.D. 1863.

(Signed)

THOMAS F. WILSON, *United States' Consul.*

Suffolk, ss.

I, George H. Folger, a Notary Public, duly commissioned and sworn, do certify the foregoing to be a true and exact copy of an original Consular copy of protest now before me.

In testimony whereof I have hereunto set my hand and notarial seal at Boston, this 23rd day of July, A.D. 1863.

(Signed) GEORGE H. FOLGER, *Notary Public.*

(D.)

*Marine Inspection Office, 76, State Street,
Boston, June 27, 1863.*

I hereby certify that the barque "Union Jack," of Boston, was built at East Boston; launched November 1862; 482 tons burthen; was double deck; her frame was New Hampshire white oak, plank oak; upper deck beams yellow pine; lower deck beams oak; had full sets of hachmatrack hanging knees under both decks; ceiling between decks was yellow pine; ceiling in the lower hold oak; was most thoroughly fastened with iron and copper, and through locust trenails; was in all respects a very superior vessel; and when she left this port was worth 32,000 dollars; was sheathed with yellow metal to 11 feet at New York in March 1863, which, together with other additional expenses, at that time amounted to 3,000 dollars, making her full value when captured and destroyed 35,000 dollars.

(Signed) E. C. DAVIS,
*Marine Inspector for the Boston Associated Board
of Underwriters.*

(E.)

I certify this to be a true copy of original charter-party.

(Signed) GEORGE A. FOLGER.

This charter-party made the 28th day of February, A.D. 18 , between Captain C. P. Weaver, for himself and owners of the barque "Union Jack," of Boston, of the burden of 483 tons, or thereabouts, register measurement, now lying in the harbour of New York, of the first part; and George A. Patten, of the second part, witnesseth that the said parties of the first part, for and in consideration of the covenants and agreements hereinafter-mentioned, to be kept and performed by the said party of the second part, do covenant and agree to the freighting and chartering of the said vessel unto the said party of the second part for a voyage from New York to Shanghae, China, on the terms following, that is to say:—

1. The said parties of the first part do engage that the said vessel, in and during the said voyage, shall be kept tight, staunch, well fitted, tackled, and provided with every requisite, and with men and provisions necessary for such voyage.

2. The said parties of the first part do further engage that the whole of said vessel (with the exception of the cabin, the deck, and the necessary room for the accommodation of the crew, and the storage of the sails, cable, and provisions) shall be at the sole use and disposal of the said party of the second part during the voyage aforesaid; and that no goods or merchandize whatever shall be laden on board otherwise than from the said party of the second part, or his agent, without his consent, on pain of forfeiture of the amount of freight agreed upon the same.

3. The said parties of the first part do further engage to take and receive on board the said vessel, during the aforesaid voyage, all such lawful goods and merchandize as the said party of the second part, or his agents, may think proper to ship.

And the second party of the second part, for and in consideration of the covenants and agreements to be kept and performed by the said parties of the first part, does covenant and agree with the said parties of the first part, to charter and hire the said vessel as aforesaid, on the terms following, that is to say:—

1. The said party of the second part does engage to provide and furnish to said vessel good and sufficient cargo for ballast.

2. The said party of the second part does further engage to pay to the said parties of the first part, or their agent, for the charter or freight of the said vessel during the voyage aforesaid, in manner following, that is to say:—

The sum of 3,000 dollars legal tender notes, or their equivalent, on signing bills of lading in New York, free of all commission or brokerages, that is to say, said sum to be net to them; also 3,000 Mexican dollars, less $2\frac{1}{2}$ per cent., free of all commissions or brokerages, that is to say, said sum to be net to them in three days after completion of delivery of cargo in good order, according to bills of lading, bills of lading to be signed without prejudice to charter-party, gross accounts of freight payable in Shanghae by bills of lading, not to be less than 3,000 Mexican dollars, or their equivalent.

It is further agreed between the parties to this instrument that the said party of the second part shall be allowed for the loading and discharging of the vessel, at the respective ports aforesaid, lay days as follows, that is to say, remaining, except Sundays, twenty-five lay days in New York, and ten lay days in Shanghae, unexpired lay days in New York to ensue to benefit of the second part, that is to say, thirty-five remaining, except Sundays, lay days all sound. And in case the vessel is longer detained, the said party of the second part agree to pay to the said party of the first part demurrage at the rate of 35 dollars per day for first five days, and 50 dollars per day, day by day, for every day so detained, provided such detention shall happen by default of the said party of the second part or his agent.

It is also further understood and agreed, that the cargo or cargoes shall be received and delivered alongside of the vessel, within reach of her tackles, or according to the customs at the ports of loading and discharging. It is also further understood and agreed that this charter shall commence when the vessel is ready to receive cargo at the place of lading, and notice thereof is given to the party of the second part or his agent.

To the true performance of all and every of the foregoing covenants and agreements, the said parties of the first part do hereby bind themselves, their heirs, administrators and assigns (especially the said parties of the first part, the said vessel, her freight, tackle, and appurtenances; and the said party of the second part the merchandise to be laden on board) each to the other in the penal sum of 6,000 dollars.

In witness whereof the said parties have hereunto interchangeably set their hands and seals, the day and year above within.

(Signed) GEO. A. PATTEN.
C. P. WEAVER.

Delivered in the presence of,
(Signed) JAS. HARTUNNIS.

Received on account of this charter-party, as per agreement therein expressed, 5,000 dollars.

5,000 dollars. (Signed) C. P. WEAVER.
New York, March 18, 1863.

Received on account of this charter-party, as per agreement therein expressed, Mr. George A. Patten's draft on Messrs. Bull, Baden and Co. of Shanghae, for the sum of 3,000 Mexican dollars, less $2\frac{1}{2}$ per cent.

3,000 Mexican dollars, less $2\frac{1}{2}$ per cent. (Signed) C. P. WEAVER.

Lay days in New York, nineteen, leaving sixteen remaining lay days, Sundays excepted, to be used in Shanghae.

(Signed) GEORGE A. PATTEN.
C. P. WEAVER.

One additional lay day having been used in New York, making twenty lay days in all, leaving fifteen remaining lay days, Sundays excepted, to be used in Shanghae.

(Signed) GEORGE A. PATTEN.
C. P. WEAVER.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

I, George H. Folger, a Notary Public, duly commissioned and sworn in and for the county aforesaid, certify the foregoing to be a true and exact copy of an original bill of lading now before me.

In testimony whereof I have hereunto set my hand and notarial seal, at Boston, this 23rd day of July, A.D. 1863.

(Signed) GEORGE H. FOLGER, Notary Public.

(F.)

Property on board barque "Union Jack," belonging to Charles P. Weaver, together with expenses incurred, and loss experienced in consequence of the destruction of said barque by the Confederate steamer "Alabama."

	Dols.		Dols.
Nautical instruments	450	25 barrels flour	250
" books	100	4,000 lbs. bread	190
" charts	125	Small stores	385
Private library	150		1,200
Clothing for self	175	Expenses of passage and other amounts, coming home, 45% and exchange ..	320
" " wife and children	200	Loss by breaking up of business and destruction of vessel and other property ..	5,000
Ship stores :—	1,200		7,720
15 barrels beef	225		
10 " pork	150		

(Signed)

C. P. WEAVER.

Boston, July 23, 1863.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

Before me, George Howland Folger, a Notary Public, duly commissioned and sworn, in and for the county aforesaid, personally appeared Charles P. Weaver, and made solemn oath of the loss of property as set forth in the foregoing statement, and in the manner as set forth in the accompanying declaration.

In testimony whereof I have hereunto set my hand and notarial seal, at Boston, this 23rd day of July, A.D. 1863.

(Signed)

GEORGE A. FOLGER, *Notary Public*.

Inclosure 3 in No. 18.

Protest of George Hagar.

United States of America, State of New York, City of New York, ss.

TO all people to whom these presents shall come or may concern.

I, Wm. Aug. Walker, a Public Notary, in and for the county of Queen's and State of New York, by Letters-Patent, under the Great Seal of said States, duly commissioned and sworn, residing in the said county of Queen's, and practising in the city of New York and State aforesaid, send greeting :—

Know ye, that on the 17th day of October, in the year of Our Lord 1862, before me appeared George Hagar, Master of the ship called the "Brilliant," of New York, and noted in due form of law with me, the said Notary, this Protest for the uses and purposes hereafter mentioned, and now on this day, to wit, the day of the date hereof, before me the said Notary, at the City of New York aforesaid, again comes the said Hagar, and requires me to extend his Protest, and, together with the said Hagar also comes Hamilton Bingham, first officer, belonging to the aforesaid vessel, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, voluntarily, freely and solemnly do declare and depose as follows ; that is to say, that on the 13th day of September last, he, the said Hagar set sail and departed in and with the said vessel, as master thereof, from New York, having on board the said vessel a cargo of grain, flour, &c., and bound for the port of London ; that the said vessel was then stout, staunch and strong ; had her cargo well and sufficiently stowed and secured ; were well masted, manned, tackled, victualled, apparelled, and appointed, and was in every respect fit for sea and the voyage she was about to undertake. Got under weigh on the day of the date above mentioned, and in tow of a steamer and in charge of a pilot proceeded to sea. At 10 A.M. were outside Sandy Hook, discharged the pilot and steam-boat, and made sail, wind north, and cloudy threatening weather. Pursued the voyage from this date with variable winds and weather, making and trimming sail as occasion required, the pumps being properly attended to, the ship's company being engaged in the usual routine of duty, and without any occurrence worthy of especial mention herein, until October 3rd, which day comes in with strong breezes and cloudy weather, wind from the N.E. and squally, at midnight the same, at daylight more moderate, made sail ; a large ship in sight to windward and standing on the same tack as ourselves, about a mile distant. This ship we afterwards learned to be the "Emily Farnham," of Portsmouth, New Hampshire, bound to Liverpool, from New York. At 8 A.M. saw a steamer on the weather bow, about five miles distant, heading to the westward. At 9 A.M. she hoisted the St. George's Cross and fired a gun for the "Emily Farnham" to heave-to,

and immediately afterwards hoisted the flag of the so-called Confederate States of America. The ship hove-to, and a boat from the steamer was sent to board her; the steamer then wore round and made all sail in chase of us. During this time we had all sail set and were making every effort to escape. The steamer gained on us, and at 11:30 A.M. she had gained enough to bring us within range. She then fired a gun for us to heave-to. We did so, when she sent a boat aboard of us with two officers and a boat's crew all armed. The boarding officer demanded the surrender of our papers, and claimed us a prize to the Confederate steamer "Alabama," Captain Semmes. Captain Hagar was then ordered to go on board the steamer with all the ship's papers, which he did, and on his arrival there was ordered into the cabin. There, himself and his papers were examined by the Captain of steamer, who decided that the cargo was not on foreign account, because there appeared nothing in the ship's papers to prove it, though this deponent, George Hagar, earnestly protested that it undoubtedly was, and claimed for it protection on that account, but without avail: and he was peremptorily ordered to sign a document naming the owners of the ship and declaring that he had no knowledge of the cargo being on foreign account, after doing which he was ordered on board his vessel to assist with his crew in getting out the ship's boats and such stores and cargo as the Confederate Captain wanted for the use of his steamer: and further orders were given to bring but one bag of clothes for each man of the crew, at the same time saying they were going to burn the ship. Himself and crew being prisoners and under guard, were compelled to do as they were ordered, after which they went alongside the steamer, from whence they were transferred, together with the captains and crews of several vessels previously captured and destroyed by the steamer, to the ship "Emily Farnham," which vessel lay hove-to a few cables' length distant, having been captured as hereinbefore mentioned, and whose captain was at that time on board the steamer undergoing examination with his papers. The result of that examination was that the cargo of the "Emily Farnham" being admitted to be the property of English subjects, that ship and cargo were released from custody. On board the "Emily Farnham" these deponents, together with the balance of the crew, were ordered and compelled to sign a parole under threats of irons and imprisonment if they refused.

During all this time the crew of the "Alabama" were busy plundering the "Brilliant" of everything that time would allow them to carry away. At 6 P.M. the ship "Brilliant" was set on fire, and at 7 o'clock, from the deck of the "Emily Farnham," we saw her enveloped in flames. She continued to burn all night and at daylight we saw another ship near the wreck, no doubt attracted by the light, and the steamer standing for her; a light breeze sprang up and we lost sight of both vessels during the morning. The "Emily Farnham" proceeded on her course towards Liverpool, and on the 6th following spoke the brig "Golden Lead," of Thomaston, Maine, bound from the Island of Jersey to New York, the master of which vessel kindly took these deponents and several others on board his vessel and brought us to New York, where we arrived on the 16th instant; the balance of the "Brilliant's" crew proceeded towards Liverpool, in the "Emily Farnham." And these deponents further state that when ordered by the captain of the Confederate steamer to do the several acts hereinbefore related, they were threatened with irons and imprisonment if they refused to comply. And the said master further says, that as all the damage and injury which already has or may hereafter appear to have happened or occurred to the said vessel or her said cargo has been occasioned solely by the circumstances hereinbefore stated, and cannot and ought not to be attributed to any insufficiency of the said vessel or default of him, this deponent, his officers, or crew, he now requires me, the said notary, to make his protest and this public act thereof that the same may serve and be of full force and value as of right shall appertain.

And therefore the said master doth protest, and I, the said notary, at his special instance and request, do by these presents publicly and solemnly protest against winds, weathers, and seas, and against all and every accident, matter, and thing had and met with as aforesaid, whereby, or by means whereof, the said vessel, or her cargo, already has, or hereafter shall appear to have suffered or sustained damage or injury, for all losses, costs, charges, expenses, damages, and injury which the master, owner, or owners of the said vessel, or the owners, freighters, or shippers of her said cargo, or any other person or persons interested or concerned, and either already have or may hereafter pay, sustain, incur, or be put upon, by or on account of the premises, or for which the insurer or insurers of the said vessel, or her cargo, is or are respectively liable to pay or make contribution or average according to custom, on their respective contracts or obligations; and that no part of such losses and expenses already incurred, or hereafter to be incurred, do fall on him, the said master, his officers, or crew.

Thus done and protested in the city of New York, the 18th day of October, 1862.

In testimony whereof, as well the said appearers as I the notary have subscribed these presents, and I have also caused my seal of office to be hereunto affixed the day and year last above written.

(Signed)

GEORGE HAGAR, *Master.*

HAMILTON BINGHAM, *First Mate.*

(Signed)

WM. AUG. WALKER, *Notary Public.*

City and County of New York, ss.

I, William Aug. Walker, a public notary in and for the County of Queens and State of New York, duly commissioned and sworn, and dwelling in said county, do hereby certify the foregoing to be a true and exact copy of an original protest on record in my office in the city of New York.

In testimony whereof I have hereunto set my hand and seal, October 20, 1862.

(Signed)

WM. AUG. WALKER.

MANIFEST and Freight List of American ship "Brilliant," Captain George Hagar, from New York for London.

No. of Bills of Lading.	Marks.	No.	Packages.	Weight.	Measure.	Rate of Freight, sterling.	Freight.	Primage.	Shippers.	Consignees.	Total Freight.
							£ s. d.	£ s. d.			£ s. d.
1	J. G.	...	37 casks lard oil	...	6,038 gallons	45s. per ton of 252 galls.	54 7 2	2 14 4	Amos Bigland	Order	57 1 6
2	(C)	...	83 barrels of flour	...	...	4s. 6d. per barrel.	19 2 6	0 19 2	Richd. C. Gurney	Ditto	20 1 8
3	(L)	...	500 ditto	...	...	4s. 6d. per barrel.	112 10 0	5 12 6	Saml. C. Paxton, Sons, & Co.	Ditto	118 2 6
4	(R) H	35	25 hogsheds tallow	...	...	43s. per ton.	31 3 4	1 11 2	Ruprecht and Forsner	Rosing Brothers and Co.	32 15 0
5	(C)	...	200 barrels zinc oxide	31,052 lbs.	...	43s. per ton.	51 6 4	2 11 4	John Jewett and Sons	Lehigh Zinc Company	53 17 8
6	(L)	...	1,714 bags, containing 4,879 bushels wheat	48,400 lbs.	...	14d. per barrel.	284 12 2	14 4 7	Mark Mandeluck and Co.	Order	298 16 9
7	(T)	...	921 do.	...	...	14d. per barrel.	147 17 1	7 7 10	Ditto	Ditto	155 4 11
8	(T)	...	146 do.	...	...	14d. per barrel.	24 8 8	1 4 5	Ditto	Ditto	25 13 1
9	D	...	2,339 do.	...	...	14d. per barrel.	383 8 11	19 5 5	Knauth, Nachod, and Kuhne	Wm. Brandts, Sons, and Co.	404 14 4
10	"3" "19"	...	2,293 do.	...	...	14d. per barrel.	383 3 0	19 3 2	Ferdinand F. Dufais	Order	402 6 2
11	(L) (S)	...	43 tierces of beef	...	...	9s. per tierce.	19 7 0	0 19 4	Thos. Lockhardt	Ditto	20 6 4
12	Various.	...	30 boxes bacon, and 9 hhd. porkheads	22,695 lbs.	...	45s. per tierce.	22 15 11	1 19 10	Ditto	Ditto	36 11 9
...	(T)	...	8 tierces middles	...	...	9s. 9d. per ton.	3 12 0	0 18 0	Mason and Wilkie	Ditto	18 18 5
13	(A)	...	26 barrels ditto	...	...	6s. 6d. per ton.	8 9 0	0 18 0	W. W. Smith and Co.	Ditto	23 12 6
14	(H) H	...	50 ditto lard oil	...	...	45s. per ton.	18 0 5	1 2 6	Munzinger and Pitzspice	Roderanck, Sons, and Co.	188 1 1
15	(X)	...	100 ditto flour	...	...	4s. 6d. per barrel.	22 10 0	8 19 1	H. Sautler and Wierum	Edmund Schluser and Co.	43 6 9
16	J. M. G. M. C.	...	796 ditto ditto	...	...	50s. per ton.	179 2 0	2 1 3	Harmony, Nephew, and Co.	Cavan, Lubbock, and Co.	418 19 0
17	& M. P.	...	242 bags corn	...	...	14s. 4d. per bushel.	399 0 0	19 19 0	Ditto	C. de Municha and Co.	472 10 0
18	H	...	2,324 bags containing 6,604 1/2 bushels wheat	...	...	4s. 6d. per barrel.	450 0 0	22 10 0	John Jewett and Sons	Lehigh Zinc Co.	4 1 3
19	(5)	...	2,000 barrels flour	...	...	47s. 6d. per ton.	3 17 5	0 3 12	Dutton and Townsend	Order	26 9 3
20	(C)	...	4 casks zinc oxide	3,651 lbs.	...	70s. per 1,000.	25 4 0	1 5 3	H. L. Routh and Sons	Shippers' Order	100 11 0
21	...	...	7,000 3/4 hhd. staves	...	...	14d. per bag.	171 19 1	8 11 11	A. H. Solomon	J. Brandon & Co.	413 8 9
22	"21"	...	968 bags containing 2,846 bushels wheat	...	...	4s. 6d. per barrel.	393 15 0	19 13 9			
22	Various	...	1,750 barrels flour	...	...		3,252 17 0	162 12 8			3,415 9 8

New York, September 10, 1862. (Signed) FUNCH, MEINKE, & WENDT, (For AXEL GODECKE.)

Ship "Brilliant."—Statement of Facts.

Ship sailed from New York, September 13, 1862, bound to London, loaded with flour, grain, &c.

The freight, valued at 18,000 dollars, was insured in the Atlantic Mutual Insurance Company, of New York. On the 3rd day of October the "Brilliant" was captured by the steamer "Alabama," Semmes captain, and burned. The "Alabama," while pursuing the "Brilliant," carried the Confederate flag.

The owners of the freight, on payment of the subscription under the policy, assigned and set over all claims of loss of freight to the Insurance Company.

Claim.

The Atlantic Mutual Insurance Company claim that the English Government should make good to them the damage they have sustained as per above; for that in violation of international law they, being neutral, have permitted the "Alabama" to be built and equipped in their ports for one belligerent to be used in cruising against the commerce of another.

Agreement.

These presents, made and concluded the 22nd day of October, 1862, between J. Atkins and Co., of the first part, and the Atlantic Mutual Insurance Company, of the second part:—

Whereas, by a certain special policy of insurance, No. 5,574, bearing date September 13, 1862, the said party of the second part became the assurers of the said party of the first part, upon the freight, the good ship called the "Brilliant," whereof was master,

New York to London.

And whereas detriment and loss having occurred to the said insured property, by reason of some of the perils in the said policy mentioned or described, the said party of the first part hath ceded and abandoned to the said party of the second part the said insured property, and all the right, title, interest, claim, and demand of the said party of the first part, of, in, and to the same. And whereas the said party of the second part have accepted the said cession and abandonment, and have, therefore, paid to the said party of the first part the sum of 18,000 dollars, in full satisfaction of the sum by the said policy insured, and of all things in the said policy contained, on the part of the said Company to be performed. Now, therefore, this Indenture witnesseth, that the said party of the first part, in consideration of the said sum of 18,000 dollars, so as aforesaid paid to by the said party of the second part, the receipt whereof is hereby acknowledged, hath bargained, sold, assigned, transferred, ceded, abandoned, and set over, and by these presents doth bargain, sell, assign, transfer, cede, abandon, and set over, unto the said party of the second part, and their successors and assigns, the aforesaid freight, and all the right, title, interest, trust, claim, and demand of the said party of the first part, therein and thereto.

To have and to hold, recover, receive, and take the same freight unto the said party of the second part to the only proper use and benefit of the said party of the second part and their successors, of and from all actions and suits, and causes of actions and suits, promises, agreements, losses, damages, charges, expenses, costs, claims, and demands whatsoever, both at law and in equity, by reason or in virtue of the policy of insurance herein above-mentioned. And the better to enable the said party of the second part to recover and receive the hereby assigned and ceded premises, the said party of the first part hath made, ordained, constituted, and appointed, and by these presents doth make, ordain, constitute, and appoint the said party of the second part, and their successors, the attorneys irrevocable of the said party of the first part, in the name of the said party of the first part, but to and for the proper use and benefit of the said party of the second part, and their successors and assigns, by all lawful ways and means to ask, demand, sue for, and recover and receive the said freight, and all moneys thence arising; and all damages of and concerning the same, of and from all and every king, prince, potentate, state, person or persons whatsoever, and for the purposes aforesaid, in the name or on behalf of the said party of the first part, but at the proper costs and charges of the said party of the second part, and their successors and assigns, to appear, prosecute, and plead in all courts and places whatsoever. And all suits, disputes, or differences in any wise respecting the promises to conform and agree, or refer to arbitration, upon such terms and principles, and in such manner and form, as to the said party of the second part, and their successors and

assigns, shall appear fit and expedient. And all needful acquittance, discharges, receipts, deeds, and writings touching the premises, in the name, place, and stead of the said party of the first part, from time to time, to make, execute, and deliver, and generally to do and perform all lawful acts, matters, and things whatsoever touching the premises in as full and ample a manner as the said party of the first part, if personally present, might or could do, or as if more special authority were given them. And one or more attorney or attorneys under them, the said party of the second part, for the purposes aforesaid, from time to time, appoint, and at their pleasure revoke.

In witness whereof, the said party of the first part hath to these presents set his hand and seal, and the said party of the second part have also to these presents caused their seal to be affixed, and the same to be subscribed by their President or their Vice-President, and countersigned by their Secretary, on the day and in the year first above written.

(Signed) J. ATKINS.

Signed and delivered in the presence of,
(Signed) E. H. DAVIS.

Mr. Jones to Mr. Seward.

*Office of the Atlantic Mutual Insurance Company,
New York, October 1, 1863.*

Sir,

I inclose herewith to be filed, proofs of loss in the case of the ship "Brilliant," as follows:—

1. The Protest;
2. Freight list;
3. Assignment to this Company of the claim for damages.

I append thereto a short statement of facts, with a brief claim for damages against the British Government.

Should any further proofs be required I shall be happy to furnish them.

Very respectfully, &c.

(Signed) J. D. JONES, *President.*

United States of America, State of New York, ss.

By this public instrument be it known to all whom the same doth or may in any wise concern, that I, William Aug. Walker, a public notary, in and for the county of Queens, and State of New York, by Letters-Patent under the Great Seal of the said State duly commissioned and sworn, and residing in the county of Queens, do hereby certify that the annexed is a true and correct copy of the original affidavit on file in my office in the city of New York.

In testimony whereof I have subscribed my name, and caused my notarial seal to be affixed, November 8, 1862.

(Signed) WM. AUG. WALKER, *Notary Public.*

City and County of New York, State of New York, ss.

On the day of the date hereof, before me, William Aug. Walker, a public notary in and for the State of New York, duly and by lawful authority admitted, commissioned, and sworn personally, appeared George Hagar, who being by me duly sworn, deposes and says, that he was master of the ship "Brilliant," of New York, on her late undertaken voyage to London when she was captured by the English or Confederate steamer "Alabama," or "290," and burned, a more particular account of which will be found in his protest extended before William Aug. Walker, notary public, in the city of New York, under date of 18th day of October last past, in which it is stated that this deponent "was peremptorily ordered to sign a document naming the owners of the ship, and declaring that he had no knowledge of the cargo being on foreign account; that though he was compelled to sign this document, he nevertheless called the attention of the master of the steamer to the fact that the ship's bills of lading were endorsed on foreign account," meaning that the cargo belonged to citizens of foreign States, and protested against the destruction of his ship and cargo for that reason, but no notice was taken of it by the master of the steamer, who would not listen to the earnest entreaties of this deponent to spare his ship and cargo; and when this deponent again told the master of the steamer that the bills of lading were endorsed "on foreign account" he replied to this deponent in the following language: "That is the second time you have told me that; do you suppose me to be a d——d

fool?" That the manner of the master of the steamer was overbearing and insolent in the extreme, and it was at great risk of the personal safety, if not of the life of the deponent, that he so strenuously insisted upon his ship and cargo being released. That he did so nevertheless, and was threatened with irons and imprisonment to intimidate him. That when he signed the document to which reference has been made herein, to the effect that he had no knowledge of the cargo being on foreign account, he said at that time to the captain of the steamer that though he had no actual knowledge as to that, but believed it was because such was endorsed on the face of the bills of lading; and in reply to this the master of the steamer told this deponent that there was no Consular certificate to that effect; that he wanted none of his suppositions, he wanted facts only.

(Signed) GEORGE HAGAR.

Sworn to before me, this 8th day of November, 1862. In testimony whereof I have hereunto set my hand and seal.

(Signed) WM. AUG. WALKER, *Notary Public*.

On the day and year first above written also appeared before me Hamilton Bingham, who being duly sworn, deposes and says, that he was first mate of the aforesaid ship "Brilliant," on the said voyage; that he has read the contents of the foregoing affidavit of the master, and that the same is true and correct to the best of his knowledge and belief, always excepting such stated conversations as occurred between Captain Hagar and the captain of the Confederate steamer not held in the presence of this deponent.

(Signed) HAMILTON BINGHAM.

Sworn to before me, November 8, 1863. In testimony whereof I have hereunto set my hand and seal of office.

(Signed) WM. AUG. WALKER, *Notary Public*.

Messrs. Atkins & Co. to Mr. Seward.

Sir,

New York, September , 1863.

WE respectfully lay before you the inclosed documents:—

1. Our Memorial in relation to the destruction of the ship "Brilliant" by a steamer calling herself "the Confederate States' man-of-war 'Alabama.'"
2. A certified copy of Captain Hagar's marine protest.
3. A certified copy of ship's register.
4. A certified copy of the crew list.
5. Affidavit of Captain Hagar.

These documents prove that the ship was destroyed by fire; that she is an American ship, and she was sailing according to the laws of the United States.

We respectfully ask that such action may be taken in the premises as shall seem, in your judgment, to recover from Her Britannic Majesty's Government, 75,000 dollars for the loss of our ship, and 3,415*l.* 9*s.* 8*d.* sterling, the amount of freight she had on board, according to the freight list.

We are, &c.

(Signed) JOSHUA ATKINS & Co.

To the Hon. William H. Seward, Secretary of State, Washington, D. C.

The Memorial of Joshua Atkins and Edwin Atkins, co-partners, merchants, and citizens of the United States, residing in the city of Brooklyn,

Respectfully represents,

That they, together with George Hagar, master mariner, of Boston, Massachusetts, also a citizen of the United States, are sole owners of the late ship "Brilliant," of New York.

That the said ship "Brilliant" being a legally registered American vessel, equipped according to the laws of the United States, sailed from the port of New York on the 13th September, 1862, laden with a cargo consisting of grain, flour, &c., bound to the port of London, in Great Britain.

The said cargo belonged to various shippers, and each bill of lading had endorsed on it "on foreign account," and the Undersigned had no personal interest therein other than the customary lien for the freight thereof.

That on the 3rd October following she had proceeded on her voyage as far as latitude 40° north, longitude 50° 30' west, when she was boarded and declared to be a prize to a

vessel calling herself "the Confederate States' man-of-war steamer 'Alabama,'" who immediately took possession of said ship, against the strong and often repeated remonstrances of George Hagar aforesaid, her master on the voyage; and by order of one calling himself the captain of said steamer (Semmes) there were taken from the ship "Brilliant" sundry boats, and such stores and cargo as the so-called captain wanted for the use of his vessel; and the Confederate crew plundered everything that time would allow them to carry away. That Captain Hagar, his officers, and crew were ordered to leave their ship, and were put on board the ship "Emily Farnham," which vessel lay hove-to, a few cables' length from the said steamer "Alabama," a prize to her.

At 6 o'clock P.M. the said ship "Brilliant" was set on fire by order of the said Semmes, and was totally destroyed with all on board.

The ship "Emily Farnham" was released, and proceeded on her course to Liverpool, whither she was bound, but on the 6th October Captain Hagar, his officers, and part of his crew were transferred to another vessel, spoken at sea, bound to this port, and were landed in New York on 16th of same month.

And now we, Joshua Atkins and William Atkins, and on behalf of George Hagar, sole owner of said ship, do enter our solemn protest against the destruction thereof, and do by these presents demand of the Government of Great Britain full reparation for the same, in the sum of 75,000 dollars of the coin of the United States, being the value of said ship, and 3,415*l.* 9*s.* 8*d.* sterling, the amount of freight she had on board at the time of her destruction.

Your Memorialists would further represent that they make and predicate this protest and demand upon the facts therein stated, which can be verified whenever it shall be found necessary so to do. Said vessel calling herself "the Confederate States' man-of-war 'Alabama'" is an English vessel and no other. She was built at the port of Birkenhead, and was allowed to leave British waters, although information as to her character, and the intention to use her as a privateer to prey upon the commerce of the United States, then and now at peace with Great Britain, was lodged with the British Government. That said steamer "Alabama" (then called "the 290"), was allowed to leave said waters upon giving a bond to return, which it was well known was intended to be forfeited. That she did leave the waters of Great Britain the latter part of July 1862, under the protection of the British flag and manned by British subjects. That had the American man-of-war "Tuscarora," or any other legally authorized man-of-war of the United States seized her after leaving said British waters, she would have claimed her British ownership and her flag as her protection. But said steamer was allowed to leave port under the pretence of making a trial trip, and has never been in any port of the so-called Confederate States so as to change her flag, or to be otherwise than a British vessel.

Your Memorialists would further represent that said steamer, after thus fraudulently leaving the port of Great Britain against the Queen's Proclamation of Neutrality, repeatedly visited or came within the jurisdiction of certain British islands in the Atlantic Ocean, when and where it was well known, and patent to the world, that she had destroyed American vessels on the high seas, and instead of being seized and detained by the British Government as they were in duty bound to do, was allowed every facility for obtaining supplies and advice, and to resume her piratical cruise; that no examination was ever made by said British Government through their constituted agents and officers, as to the manning of said steamer by British subjects, or of the prostitution of the British flag, by thus giving protection to the piracies committed under its folds; and that she was and has continued to be, until after the capture of your Memorialist's ship, principally manned by said British subjects.

In view of these matters, and of others which may be made to appear, your Memorialists do now and for ever enter their solemn protest against the British Government and people, as willing parties, negligently culpable in the destruction of their property upon the high seas, and thus in fact violating the Proclamation of the Queen by building and manning said steamer, and then allowing her to continue her depredations.

And they ask, through the Government of the United States, that a proper representation may be made of their loss, that in the end due reparation may be made to them by the said Government of Great Britain, or that the Government of the United States may assume the same as one of the Governmental obligations to protect the rights of their citizens thus wantonly violated.

And as in duty bound will ever pray.

(Signed)

JOSHUA ATKINS.
EDWIN ATKINS.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, October 26, 1863.

I HAVE had the honour to receive your letter of the 23rd instant.

In that letter you inform me that you are instructed to say that the Government of the United States must continue to insist that Great Britain has made itself responsible for the damages which the citizens of the United States sustain by the depredations of the vessel called the "Alabama."

But towards the conclusion of your letter you state that the Government of the United States are not disposed to act dogmatically or in a spirit of litigation; that they desire to maintain amity as well as peace; that they fully comprehend how unavoidably reciprocal grievances must spring up from the divergence of the policy of the two countries in regard to the present insurrection. You add further on, that the United States frankly confess themselves unwilling to regard the present hour as the most favourable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question.

With this declaration Her Majesty's Government may well be content to await the time when a calm and candid examination of the facts and principles involved in the case of the "Alabama" may, in the opinion of the Government of the United States, usefully be undertaken.

In the mean time, I must request you to believe that the principle contended for by Her Majesty's Government is not that of commissioning, equipping, and manning vessels in our ports to cruize against either of the belligerent parties—a principle which was so justly and unequivocally condemned by the President of the United States in 1793, as recorded by Mr. Jefferson in his letter to Mr. Hammond of the 13th of May of that year.

But the British Government must decline to be responsible for the acts of parties who fit out a seeming merchant-ship, send her to a port or to waters far from the jurisdiction of British Courts, and there commission, equip, and man her as a vessel of war.

Her Majesty's Government fear that if an admitted principle were thus made elastic to suit a particular case, the trade of ship-building, in which our people excel, and which is to great numbers of them a source of honest livelihood, would be seriously embarrassed and impeded. I may add that it appears strange that notwithstanding the large and powerful naval force possessed by the Government of the United States, no efficient measures have been taken by that Government to capture the "Alabama."

On our part I must declare that to perform the duties of neutrality fairly and impartially, and at the same time to maintain the spirit of British law and protect the lawful industry of the Queen's subjects, is the object of Her Majesty's Government, and they trust that the Government of the United States will recognize their earnest desire to preserve, in the difficult circumstances of the present time, the relations of amity between the two nations.

I am, &c.

(Signed) RUSSELL.

Earl Russell to Mr. Adams.

My Lord,

Foreign Office, October 29, 1863.

I ACQUAINTED you, in my letter of the 2nd instant, that the matters connected with the proceedings of the Confederate steamer "Alabama" at the Cape of Good Hope, to which your letter of the 29th September referred, were under the consideration of Her Majesty's Government.

Those matters were—

1. The capture, by the "Alabama," of the United States' vessel "Sea Bride," within, as was alleged, the territorial jurisdiction of Great Britain.

2. The character of the "Alabama" herself.

3. The manner in which the "Tuscaloosa," alleged to be a tender of the "Alabama," was dealt with by the authorities of the Cape.

On these several points I have to state to you—

1. That Her Majesty's Government are satisfied by the concurrent testimony of the Colonial and Naval authorities at the Cape, that at the time of capture the "Sea Bride" was considerably more than three miles distant from the nearest land.

2. That as regards the character of the "Alabama" that vessel is entitled to be treated as a ship of war belonging to a belligerent Power, and that neither the Governor nor any other British authority at the Cape was entitled to exercise any jurisdiction over her.

3. That as regards the "Tuscaloosa," although Her Majesty's Government would have approved the British authorities at the Cape if they had adopted towards that vessel a course different from that which was adopted, yet the question as to the manner in which a vessel under such circumstances should, according to the tenour of Her Majesty's orders, be dealt with, was one not altogether free from uncertainty. Nevertheless instructions will be sent to the British authorities at the Cape for their guidance in the event of a similar case occurring hereafter, and Her Majesty's Government hope that under those instructions nothing will for the future happen to admit of a question being raised as to Her Majesty's orders having been strictly carried out.

Copies of the reports from the Colonial and Naval authorities on the matters in question will be sent to Her Majesty's Minister at Washington, who will thereby be enabled to give to the Government of the United States any further explanation they may desire to obtain on the subject.

I am, &c.
(Signed) RUSSELL.

No. 21.

Mr. Adams to Earl Russell.—(Received November 2.)

My Lord, *Legation of the United States, London, October 31, 1863.*

I HAVE the honour to acknowledge the reception of your note of the 29th instant, in reply to my representation of the proceedings of the steamer "Alabama" at the Cape of Good Hope.

Inasmuch as your Lordship intimates that further explanations will be made to my Government through the agency of Her Majesty's Minister at Washington, I shall confine myself to the transmission of a copy of your note.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 22.

Mr. Adams to Earl Russell.—(Received November 2.)

My Lord, *Legation of the United States, London, October 31, 1863.*

I HAVE the honour to acknowledge the reception of your note of the 26th instant.

The conclusion to which it would seem that both Governments arrive in regard to the disposition to be made of the claims growing out of the depredations of the "Alabama" and other vessels issuing from British ports appears to render further discussion of the merits of the question unnecessary. It is only to preclude the possibility of any inference growing out of an omission to notice it, that I beg permission to make a single remark in connection with your Lordship's observation that "the British Government declines to be responsible for the acts of parties who fit out a seeming merchant-ship." So far as the vessels now complained of are concerned, I think no reasonable doubt can be entertained from the evidence which was obtained before their departure, that they never bore the semblance of merchant-ships, even to Her Majesty's officers who reported upon them.

I now beg permission to lay before Her Majesty's Government a number of memorials and other papers connected with the depredations of the vessel formerly called the "Orcto," and now the "Florida," which I am instructed to request may be disposed of in the manner indicated in my note of the 23rd instant, to which your Lordship's was in answer.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 22.

Messrs. Mann & Co. to Mr. Seward.

Dear Sir,

Boston, September 24, 1863.

INCLOSED we hand you the Memorial and Protest of the destruction of the ship "Commonwealth," of New York, by the war-steamer called the "Florida," commanded by one Maffit; and we ask, through the Government of the United States, that a proper representation of our loss be made to the Government of Great Britain, and reparation demanded; or that the Government of the United States may assume the same as one of the obligations to protect the rights of citizens thus wantonly violated; and as in duty bound will ever pray.

Yours, &c.
(Signed) N. P. MANN & Co.

Inclosure 2 in No. 22.

Memorial.

To the Honourable William H. Seward, Secretary of State, Washington, D.C.

The Memorial of N. P. Mann, N. P. Mann, Junior, and A. J. Mann, of the city of Boston, Merchants constituting the Mercantile firm of N. P. Mann & Co., owners of one-fourth of the American ship called the "Commonwealth," of New York, of the burthen of 1,275 tons,

Respectfully represents,

THAT said ship, being a legally registered American ship, sailed from the port of New York, on or about the 19th day of March now last past, laden with a cargo of general merchandize and Government stores, bound for San Francisco, in the State of California, under the command of George S. McClellan.

That the other three fourth parts of said vessel were owned by citizens of the United States, and that she was engaged in the performance of her lawful voyage.

That the intended voyage was pursued without any material occurrence until Friday, the 17th day of April last, when the said ship was about thirty miles south of the Equator, and in longitude about 30° west, at which time and place the master of said ship discovered a steamer steering toward said ship with the American or United States' colours flying. That said steamer soon overhauled the ship, and sent a boat's crew on board armed with pistols and cutlasses. That the said boat's crew announced themselves as belonging to the war-steamer called the "Florida," claiming to sail under the flag of the Confederate States so-called, commanded by one Maffit.

That the master of the ship was ordered to repair on board the steamer, with all his papers; that the officers and crew of the ship were put in irons and transferred to the pirate steamer; and that after robbing the ship of many articles, she was set on fire by the pirate crew and totally consumed.

And now we, the said Nehemiah P. Mann, Nehemiah P. Mann, Jr., and A. J. Mann, owners of one fourth part part of the said ship "Commonwealth," do enter our solemn protest against the destruction of said ship; and do, by these presents, demand of the Government of Great Britain full reparation for the same, in the sum of 22,250 dollars, being one-fourth of the value of the said vessel, and one-fourth of the value of the freight pending, and in course of being earned at the time said ship was destroyed, as hereinbefore set forth.

Your Memorialists would further represent that they predicate and make this protest and demand upon the facts hereinafter stated, which, according to the best of their knowledge and belief, can be fully verified whenever it shall be found necessary, to wit:—

The said steamer calling herself the "Confederate war-steamer 'Florida'" is an English vessel, and no other. She was built in England, and was allowed to leave the British waters, although information as to her true character, and the intention to use her as a privateer, to prey upon the commerce of the United States, then and now at peace with Great Britain, was lodged with the British Government. That she left an English port under the British flag, and was manned by British subjects. That had any ship of war of the United States seized her after leaving British waters, she would have claimed the protection of the British flag, and have escaped under the cloak of British ownership. That said steamer has not, as your Memorialists believe, at any time actually become the

property of any parties other than those who caused her to be built and fitted out in a British port.

And your Memorialists would further represent that said steamer called the "Florida," after thus fraudulently leaving the ports of Great Britain against the Queen's Proclamation of Neutrality, has repeatedly visited divers ports in the West Indies which are under the jurisdiction of Great Britain; and notwithstanding the facts were well known by the Government officials at such ports, she has not been seized or detained by the British Government, but, on the contrary, has been allowed every facility for obtaining supplies and advice that she might continue her piratical depredations upon American commerce. That no examination has ever been made by the British Government, through their officers or agents, as to the manning of the said steamer by British subjects, or as to the prostitution of the British flag by thus giving protection to piracy under its folds.

In view of these matters, and of others which may be made apparent, your Memorialists do now enter their solemn protest against the British Government and people as willing parties, negligently culpable, in the destruction of their property on the high seas; first violating the Proclamation of the Queen by building and manning said piratical steamer, and then allowing her to continue her depredations after her character was patent to the world.

And your Memorialists ask, through the Government of the United States, that a proper representation of their loss be made to the Government of Great Britain, and reparation demanded; or that the United States may assume the same as one of the obligations to protect the rights of citizens thus wantonly violated.

And as in duty bound will ever pray.

(Signed)

NEHEMIAH P. MANN.

NEHEMIAH P. MANN, Jun.

A. J. MANN.

United States of America, Commonwealth of Massachusetts, County of Suffolk, ss.

Be it known to all to whom it doth or may concern, that on the twenty-third day of September, in the year of our Lord 1863, before me, John S. Tyler, a Notary Public and Justice of the Peace, under the seal of the Commonwealth, duly commissioned and sworn at my office, in the city of Boston, personally came Nehemiah Mann, Junior, A. J. Mann, and Nehemiah Mann, resident merchants of this city, to me well known, and made before me the foregoing Memorial and Protest, declaring the same to be just and true. Wherefore, at the request of said appearers, I have caused the same to be verified by the oaths of said appearers, and to be entered in my Notarial Records, to serve as occasion may require.

In testimony whereof I have hercunto affixed my official seal on the day of the date above written.

(Signed)

JOHN S. TYLER, *Notary Public and Justice of the Peace.*

Inclosure 3 in No. 22.

Mr. Boyd to Mr. Seward.

Sir,

Boston, August 19, 1863.

HEREWITH I inclose depositions taken before John S. Tyler, Esq., Notary Public, of those of the crew of the "Redgauntlet" who returned to this city. You will observe the main body of this deposition is signed by Charles F. Ellis, George Hammond, and William Hennessy; afterwards confirmed by George W. Fuller, whose parents reside in this city; and then again by him and John Baldwin, the carpenter, particularly as to the fact that the "Florida" had the English flag flying until the capture was completed. I deem the testimony of Baldwin important, as it seems he is an English subject, and very naturally had his attention drawn to what was going on under the English colours.

I am advised to-day by Captain Lucas, from Antwerp, August 4, that his protest, made there before the American Consul, will be forwarded within the week. When received I will forward the same to your Department.

Very respectfully,

(Signed)

FRANCIS BOYD.

Inclosure 4 in No. 22.

Affidavit of George W. Fuller and John Baldwin.

BE it known to all whom it doth or may concern, that on this 24th day of July, A.D. 1863, personally appeared before me John S. Tyler, a Notary Public, duly commissioned and sworn, George W. Fuller, seaman, and John Baldwin, carpenter, lately belonging to the ship "Redgauntlet," of Boston, burnt by the piratical steamer "Florida." And the hereto annexed affidavit, made by Charles F. Ellis, George Hammond, and William Hennessy, having been carefully read to these appearers, they hereby confirm the same; and said appearers did further declare that the British flag was flying on board the piratical steamer at the time the officers and boats' crew came on board the "Redgauntlet," and remained flying until the officer had announced to Captain Lucas that his ship was a prize. Afterwards the British flag was lowered, and the rebel flag hoisted in its place.

In witness whereof the said appearers have hereto set their names, in presence of me, the said Notary.

(Signed) GEORGE W. FULLER.
JOHN BALDWIN.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

On this 24th day of July, A.D. 1863, George W. Fuller and John Baldwin made oath before me that the foregoing affidavit, by them signed, is true.

In testimony whereof I hereunto set my hand and seal of office.

(Signed) JOHN S. TYLER, *Notary Public.*

I, George W. Fuller, of Boston, on oath declare that I shipped as ordinary seaman on board the ship "Redgauntlet," on her attempted voyage from hence to Hong Kong; that I have read the affidavit of Ellis, Hammond, and Hennessy, who were my shipmates, hereunto annexed, and that I fully confirm the same.

(Signed) GEO. W. FULLER.

Suffolk, ss.

Sworn before me, July 18, 1863.

(Signed) JOHN S. TYLER, *Notary Public.*

Affidavit of Charles F. Ellis, George Hammond, and William Hennessy.

Personally appeared before me the Undersigned, Notary Public, at my office in Boston, Charles F. Ellis, greenhand, George Hammond, steward, William Hennessy, cook, all lately belonging to the ship "Redgauntlet," of Boston, A. H. Lucas, master, and being sworn to declare the truth, and nothing but the truth, did depose and say:—

That they sailed in said ship from Boston on the 22nd day of May now last, bound for Hong Kong, China, having each of them signed shipping articles for the said voyage; that they proceeded on the voyage without any material occurrences until Sunday the 14th day of June ultimo, when being in latitude 7° 40' north, and longitude 35° 40' west, at about 6 A.M., they discovered a steamer about fifteen miles distant. The "Redgauntlet" kept her course, being on the leeward. The steamer altered her course, and ran down for the ship. She came up and fired a shot across the ship's bow. She had the British flag on her mizen-yard or gaff. The ship was hove-to by order of Captain Lucas, and a boat came on board from the steamer. There was a lieutenant and ten men in the boat; the men had cutlasses and revolvers. After they got on board the steamer hauled down the English flag and ran up the flag of the so-called Confederate States. The Lieutenant and Captain Lucas went into the cabin, and said Hammond being in the cabin heard the Lieutenant say to Captain Lucas, that he could take such of his things as he could put into a bag. Captain Lucas asked him to take his trunks, and the Lieutenant assented, telling the Captain to hurry. The rebel officers and men told the crew, as soon as they came on board, that they must each one get a bag and put in such things as it would hold to take with them on board the steamer. This was about half-past 8 A.M. All hands left the ship before 11 A.M., and went on board the steamer. As the men went on deck they were ironed, and then left on deck. The steamer's crew, to the number of about twenty men, went on board the ship, and both stood to the northward. They were in company about twelve days, during which the pirate captured and burned the ship "R. R. Hoxie." Deponents saw on board the steamer the crew of the ship "Southern

Cross," which vessel they were told had been destroyed before the "Redgauntlet" was taken. When the steamer used her sails only, the "Redgauntlet" would outsail her. On the 26th of June, being in about 29° north latitude, and 47° west longitude, the pirates all left the "Redgauntlet," after setting her on fire. This was done at about half-past 5 in the afternoon. The steamer laid-by for about an hour, during which the main and mizen masts of the ship were seen to fall, and she was in a sheet of flame fore and aft. The steamer continued to stand to the northward, and next morning the ship could not be seen. On the 27th of June we fell in with a whaling-schooner, called the "Farmer H. Hill," of Province Town, which the steamer captured. At this time she was carrying the United States' flag, and deponents did not see the rebel flag hoisted. At about half-past 10 the rebels had put these deponents, with all but five of the "Redgauntlet's" crew, and many other prisoners, in all fifty-four, on board the schooner, and she steered for Bermuda. Captain Freeman, the master of the schooner, said that he was compelled by the pirates to give a bond to get his vessel released.

On the 4th of July the schooner arrived at Hamilton, Bermuda, where all the fifty-four men were landed.

The deponents remained at Bermuda until the 9th day of July, when they sailed for New York in the brig "Henrietta," having been provided with a passage by the Consul of the United States.

On the 15th instant, deponents arrived at New York, and came thence to Boston by the Fall River route.

Deponents have omitted to state that on the 18th of June the pirate steamer fell in with an Italian brig, which they boarded: said brig was bound for England. Captain Lucas, Mr. Dodge, first mate, Mr. Almy, second mate, and Mr. Brady, third mate, of the "Redgauntlet," were put on board the said brig, with the masters and officers of other captured ships, by the direction of Captain Maffit.

The rebel steamer was the "Florida," and further said deponents say not.

(Signed)

CHARLES F. ELLIS.
GEORGE HAMMOND.
WILLIAM HENNESSY.

Attest:

(Signed) JOHN S. TYLER.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

Boston, July 17, 1863.

Then the above-named Charles F. Ellis, George Hammond, and William Hennessy made oath before me that the foregoing affidavit, by them signed, contains nothing but the truth.

In testimony whereof I have caused the same to be recorded in my Official Record Book, and hereunto set my hand and seal of office.

(Signed) JOHN S. TYLER, *Notary Public and Justice of the Peace.*

Inclosure 5 in No. 22.

Mr. Boyd to Mr. Seward.

Sir,

Boston, September 3, 1863.

I HAD the honour of addressing you on the 19th ultimo, inclosing original copy of the Protest taken here of the crew of the ship "Redgauntlet," burnt by the "Florida."

I have now to inclose original copy of Protest made by the Master, A. H. Lucas, and the three officers, before A. W. Crawford, United States' Consul at Antwerp, to which port the officers were taken, as will appear by the document itself.

I should be glad to know if it is necessary or proper, at the present time, for me, as the owner of the ship, to make any more formal claim on the British Government for the capture of said ship under their colours, and by their assistance in every form.

Respectfully, &c.

(Signed) FRANCIS BOYD.

Inclosure 6 in No. 22.

Protest.

*Consulate of the United States of America,
Port of Antwerp.*

ON this 31st day of July, A.D. 1863, before me, A. W. Crawford, Consul of the United States of America, for Antwerp, and the dependencies thereof, personally appeared A. H. Lucas, master of the ship or vessel called the "Redgauntlet," of Boston, of the burden of 1038 tons or thereabouts; and declared that on the 23rd day of May last past, he sailed in and with the said ship from the port of Boston, bound for Hong Kong, laden with ice and general cargo, and arrived in the Italian brig "Due Fratelli," of Genoa, the ship "Redgauntlet" having been captured by a piratical steamer called the Confederate steamer "Florida," hereby enters this note of protest accordingly to serve and avail him hereafter, if found necessary.

(Signed) A. H. LUCAS, *Master.*

Attested:

(Signed) A. W. CRAWFORD, *United States' Consul.*

I, the Undersigned Consul of the United States of America, for Antwerp and the dependencies thereof, do hereby certify that the foregoing is a true and genuine copy of the note of protest made by the master of the ship "Redgauntlet," having been compared by myself with the original, and found to agree therewith word for word, and figure for figure.

Given under my hand and the seal of this Consulate, this 31st day of July, 1863.

(Signed) A. W. CRAWFORD, *United States' Consul.*

Consulate of the United States of America.

Port of Antwerp, to wit:

BY this public instrument of declaration and protest, be it known and made manifest unto all whom these presents shall come or may concern, that on the 31st day of July, 1863, before me, A. W. Crawford, Consul of the United States of America for Antwerp, and the dependencies thereof, personally came and appeared A. H. Lucas, late master of the ship or vessel called the "Redgauntlet," of Boston, of the burden of 1,038 tons or thereabouts, captured by the so-called Confederate steamer "Florida," laden with ice and general cargo, who duly noted and entered with me, the said Consul, his protest for the uses and purposes hereafter mentioned; and now on this day, to wit, the day of date hereof, before me, the said Consul, again comes the said A. H. Lucas, and requires me to extend this protest; and together with the said A. H. Lucas, also come R. F. Dodge, 1st officer, Charles E. Almy, 2nd officer, and C. L. Brady, 3rd officer of and belonging to the said ship, all of whom being by me duly sworn, &c., did severally, voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say, that these appearers, on the 22nd day of May, 1863, in their capacities aforesaid, sailed in and with the said ship, from the port of Boston, laden with ice and general cargo, and bound to the port of Hong Kong; that the said ship was then tight, staunch, strong; had her cargo well and sufficiently stored and secured; had her hatches well caulked and covered; was well and sufficiently manned, victualled, and furnished with all things needful and necessary for a vessel in the merchant service; and particularly for the voyage she was about to undertake; that nothing worthy of note occurred until Sunday, the 14th of June, when in latitude about 8° 30' north, and longitude 34° 40' west, at 6 A.M. on that day, the wind being east, discovered a vessel, apparently a barque, two points off the lee-bow, and standing on the wind to the northward; a ship in sight to windward at the same time also standing to the northward; shortly afterwards discovered that the barque-rigged vessel was a screw steamer, with two smoke stacks; at 7 A.M. the steamer bore due west from us, when the British flag was hoisted on board of her; we set the American flag in answer, and kept it flying about ten minutes, then hauled it down; at 7:30 A.M. the steamer tacked ship, took in all sail and steamed up towards us; shortly afterwards a shot was fired from the said steamer towards us, passing a few yards leeward of the ship; we then brought the ship to the wind in the usual manner, the steamer approached within a few yards to windward and some person hailed the ship, in the usual manner, asking where we were from, and where bound. We replied in the usual manner, and some person on board the steamer said they would send a boat aboard. A boat filled with armed men came alongside the ship, and an officer who had charge of the boat came aboard and demanded the ship's papers to look at; the moment the officer stepped on board the British flag was hauled down and a flag called a Confederate States' flag (with three horizontal stripes, red, white, and red, with a blue union containing thirteen white stars) was substi-

tuted. I produced the ship's papers, and after he had examined them he told me the ship was a prize to the Confederate States' steamer "Florida," Captain Maffitt. I said to the officer that the cargo of the ship was principally British, and directed his attention to the British Consul's certificates attached to each bill of lading. He said that was no protection, that the ship was a good prize, and that I must get ready to go on board the "Florida," adding at the same time that the boat was ready. I asked for the ship's papers, and he said that he would keep them and send them on board the "Florida." I handed him a letter given me in Boston containing invoices and proofs of the nationality of the cargo, but no notice was taken of it. I was told to take nothing but wearing apparel, and not too much of that, as it would not be allowed. He demanded all private arms and pistols, took the two chronometers and all the nautical instruments, and before I had time to pack up any of my clothing two armed men entered the cabin and told me to go in the boat, the officer saying he would send my clothing aboard. I obeyed, as resistance was useless. I, with the officers and crew, was transported to the steamer; on arrival there all, except the first officer and myself, were put in irons. I inquired for the Commander, and asked him if he was Captain Maffitt. He replied that he was. I told him the ship's cargo was principally British, and that the bills of lading had British Consul's certificates attached. He said that made no difference. I protested against his proceeding. He said the ship was a good prize. I asked him if he would bond the ship. He replied, "No; I shall bond no more American ships; it is a preposterous idea to think of bonding an American ship in order to save a little British cargo, for since Lincoln has declared the bonds of the 'Ariel' null and void I shall destroy and not bond any American ships I may capture." A prize crew was put on board the "Redgauntlet," and she kept company with the steamer, standing north-north-west. The ship was plundered from day to day, in moderate weather the cargo and stores being transported to the steamer, as well as my own personal property, consisting of a chronometer, a sextant, a spy-glass, an opera-glass, barometer, books, charts, wearing apparel, and other personal property, being appropriated to the use of the steamer, the captain, officers, and crew.

Thursday, June 18, gave chase to and came up with the brig "Due Fratelli," of Genoa. The brig was boarded under the British flag, and on the return of the boat the so-called Confederate States' flag was substituted. On the return of the boat I was ordered to go in the boat with my officers; we obeyed, and were transferred to the brig, without being consulted or having any voice in the matter. The latitude was 13° 27' north, longitude 40° west, the "Redgauntlet" in company.

Friday, June 19, at 2 P.M., saw the "Florida" and "Redgauntlet" both standing to the north-north-west.

Now, therefore, be it known to whom it may concern, that I, Augustus H. Lucas, late master of the ship "Redgauntlet," of Boston, for and in behalf of all parties concerned or interested in the said ship "Redgauntlet," her cargo, stores, outfits, freight, insurance, or in any other way or manner interested in anything appertaining to said ship, do hereby protest against the capture and piratical detention of said ship and cargo; against the commander, officers, and crew of the said steamer "Florida," collectively and individually; also against the builders and owners of said steamer; against the Government or Governments, or belligerents, recognized or otherwise, who may be interested in said steamer; and against any and all Governments and authorities, local or otherwise, who have permitted the said steamer to be fitted out, armed, equipped, manned, supplied, recruited, or allowed to enter or depart from their ports or dependencies; and also other persons assisting in the same: and in behalf of all concerned shall hold each and all of them responsible for all damage or damages which may or shall arise in consequence of said capture; and also for all losses which may occur to the owner or owners, charterers, agents, shippers, consignees, underwriters, master, officers, or crew of said ship, in consequence of said capture. And I, together with the officers of said ship "Redgauntlet," do hereby conjointly sign this protest.

Thus done and protested in the port of Antwerp, this 1st day of August, in the year of our Lord 1863.

In testimony whereof these appearers have hereunto subscribed their names; and I, the said Consul, have granted to the said master this public instrument under my hand and the seal of this Consulate, to serve and avail him and all others whom it doth or may concern, as need and occasion may require.

(Signed)

A. W. CRAWFORD, *United States' Consul.*

A. H. LUCAS, *Master.*

R. T. DODGE, *First Officer.*

CHARLES E. ALMY, *Second Officer.*

C. L. BRADY, *Third Officer.*

I, the Undersigned, Consul of the United States for Antwerp and the dependencies thereof, do hereby certify that the foregoing is a true and genuine copy of the protest made by the master of the ship "Redgauntlet," having been compared by myself with the original and found to agree therewith, word for word and figure for figure.

Given under my hand and the seal of this Consulate, this 1st day of August, 1863.

(Signed) A. W. CRAWFORD, *United States' Consul.*

British Consulate, Antwerp.

I, the Undersigned, Her Britannic Majesty's Consul at Antwerp, hereby certify that A. W. Crawford, Esq., whose signature is attached to the foregoing document, is the Consul of the United States residing at this port.

In testimony whereof I have hereunto set my hand and affixed my seal of office, this 5th day of August, 1863.

(Signed) G. A. GEATTON.

No. 23.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, November 10, 1863.

I HAVE the honour to acknowledge the receipt of your note of the 31st ultimo, inclosing further papers respecting the proceedings of the "Alabama" and the "Florida."

I am, &c.

(Signed) RUSSELL.

No. 24.

Mr. Adams to Earl Russell.—(Received November 14.)

My Lord,

Legation of the United States, London, November 14, 1863.

I HAVE the honour to transmit a printed copy of the private journal of an officer of the steamer "Alabama," which seems to have been furnished by the author for publication in the "South African Advertiser and Mail," at Cape Town, in which newspaper it first appeared on the 19th of September last. The author appears to be Mr. G. S. Fullam, a British subject, belonging to Hull. I beg permission to call your Lordship's attention to the remarkable manner in which the narrative corroborates the essential portions of the deposition of C. R. Yonge, heretofore submitted to your consideration, some attempts to invalidate which were made in the course of the trial of the "Alexandra." It likewise confirms, in almost every particular, the correctness of the representations which I had the honour to furnish from the Consul of the United States at Liverpool, of the mode in which the gun-boat "290" was originally equipped, fitted out, and armed from that port.

I likewise pray your Lordship's attention to the abuse shown to be continually made of the national character of this vessel, in the fraudulent assumption of the flag or of the name of any other nation at pleasure, whilst on the high seas. I need scarcely say that such a license to cover piratical depredation has only been obtained for her by the recognition given to the parties in America, authorizing it as a belligerent abiding by the established rules of legitimate warfare.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

No. 25.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, November 16, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 14th instant and its inclosure, respecting the proceedings of the "Alabama."

I am, &c.

(Signed) RUSSELL.

Mr. Adams to Earl Russell.—(Received January 13.)

My Lord,

Legation of the United States, London, January 13, 1864.

I PRAY your attention to copies of a letter of the Consul of the United States at Liverpool, and of three depositions, all going cumulatively to prove the manner in which the neutrality of Her Majesty's realm has been abused by some of her subjects, for the purpose of carrying on war against the United States. I have every reason to suppose that these proceedings are continued without material diminution.

Renewing, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 26.

Mr. Dudley to Mr. Adams.

Sir,

United States' Consulate, Liverpool, January 11, 1864.

I BEG to call your attention to copies of three affidavits: one of John Latham, another of his wife, Martha Latham, and the other that of Thomas Wistinley, inclosed. It is a well-known fact that the steamer "Alabama," which was built and fitted out at this port, and manned by British seamen, regularly receives her coal and supplies from this country, and that the families of the men now serving on board are paid once a-month here in Liverpool by M. G. Klingender and Co., and Fraser, Trenholm, and Co., the one-half part of the wages earned by the men on board this vessel. John Latham, of Swansea, in Wales, was one of the men who enlisted on said steamer. During the time of his service on board, his wife, Martha Latham, received regularly each month the one-half part of his wages, which was sent to her by M. G. Klingender and Co., No. 22, Water-street, Liverpool. The money was transmitted in post-office orders. The letters in which this money was sent are annexed to her affidavit, and copies inclosed to you. At the time of enlisting Mr. Latham received a bounty. He sent 5*l.* of this to his wife by Captain James D. Bullock. This 5*l.* was paid to Thomas Wistinley for her at Fraser, Trenholm, and Co.'s office by their cashier.

I regard these affidavits as important to show the character and nationality (if she has any) of this vessel, which, built in England, fitted out in England, armed with English guns, and manned by English seamen; supplied with coal and other necessities while cruising from England, in English vessels, by English merchants; and the wages earned by the men while serving on board paid here in Liverpool by these same merchants to their wives and families residing here,—stamps her, it seems to me, if anything can, as an English piratical craft.

I am, &c.

(Signed) THOMAS H. DUDLEY.

Inclosure 2 in No. 26.

Affidavit of John Latham.

I, John Latham, of 36, Jasper-street, Liverpool, in the county of Lancaster, engineer, make oath, and say as follows:—

1. About the 8th or 10th of August, 1862, I signed articles at the Sailors' Home, Liverpool, to ship in the steam-ship "Bahama," Captain Tessier, for a voyage to Nassau and back. The "Bahama" went out of the Bramley Moore dock the same night about 12 o'clock, and went into the river and lay-to. Captain Semmes, Captain James D. Bullock, and some other officers came on board, and about half past 7 o'clock A.M. a tug-boat came alongside with some seamen on board; the tug-boat accompanied us out about ten miles. The tug then left us, and a tall gentleman, with a reddish face and pock-marked, who came from Cunard Wilson and Co.'s office, left us and went into the tug; as he left us, he said "I hope you will make a good thing of it, and that you will stop where you are going to." We then proceeded on our voyage, and stood out some days, when we found we were going to the Western Isles.

2. About the 17th or 18th of August we arrived at Terceira, and we there found the

"Alabama" and the barque "Agrippina." Captain Butcher, who was on board the "Alabama," hailed us and told us to go round the island, and he would be after us, but it would take them three-quarters of an hour to get his steam up. We went on, and he followed us, and the "Alabama" went under the lee of the island, and a shot was fired across the "Bahama's" bows from a battery on shore, so we stopped out until the morning. In the morning we went alongside the "Alabama," and some small cases and a safe containing money was passed into the "Alabama" from our ship, and we then parted and anchored a little distance from her, and the barque "Agrippina" went and discharged the remainder of her cargo into the "Alabama." During this time Captain Semmes and Captain Bullock were going backwards and forward to the "Alabama," but would not let any of the officers go. On Sunday, the 24th of August, Captain Semmes came on board the "Bahama," and called us under the bridge, he himself and the officers standing on the bridge; he addressed us and said, "Now, my lads, there is the ship" (pointing to the "Alabama"); "she is as fine a vessel as ever floated; there is a chance which seldom offers itself to a British seaman, that is, to make a little money. I am not going to put you alongside of a frigate at first; but after I have got you drilled a little, I will give you a nice little fight." He said, "There is only six ships that I am afraid of in the United States' navy." He said, "We are going to burn, sink, and destroy the commerce of the United States; your prize-money will be divided proportionately according to each man's rank, something similar to the English navy." Some of the men objected, being Naval Reserve men. Captain Semmes said, "Never mind that, I will make that all that right; I will put you in English ports where you can get your book signed every three months." He then said, "There is Mr. Kell on the deck, and all those who are desirous of going with me let them go aft, and give Mr. Kell their names." A great many went aft, but some refused. A boat came from the "Alabama," and those who had agreed to go went on board. Captain Semmes and the officers went on board. Mr. Low, the Fourth Lieutenant, then appeared in uniform, and he came on board the "Bahama," endeavouring to induce the men to come forward and join, and he succeeded in getting the best part of us. I was one who went at the last minute. When I got on board the "Alabama" I found a great number of men that had gone on board of her from Liverpool. Captain Semmes then addressed us on board the "Alabama," and Captain Butcher was there also, who had taken the vessel out. Captain Semmes said he hoped we all should content ourselves and be comfortable one amongst another; but any of you that thinks he cannot stand to his gun I don't want. He then called the purser, and such as agreed to serve signed articles on the companion-hatch, and on signing the men received either two months' pay in advance, or one month's wages and a half-pay note. I took a month's wages and a half-pay note for 3*l.* 10*s.* a-month in favour of my wife Martha Latham, 19, Wellington-street, Swansea; the note was drawn on Fraser Trenholm and Co., of Liverpool, but it was paid at Mr. Klingender's in Liverpool: the note was signed by Captain Semmes, Yonge, who was the Paymaster, and Smith, the Captain's clerk. I sent 5*l.* and this half-pay note ashore by Captain Bullock, and he forwarded it with a letter to my wife.

3. Captain Bullock on the passage out, and after we arrived at Terceira, used arguments to induce us to join the "Alabama." On several occasions he advised us, and urged the men to join.

4. As soon as the men who had consented to go had all signed articles, the English ensign which the "Alabama" had been flying was pulled down, and the Confederate flag hoisted, and a gun was fired. The men who declined joining left the ship, with Captains Bullock and Butcher, for the "Bahama," and we proceeded, under the command of Captain Semmes; and I have in the Schedule hereto annexed given a list of the officers and men, with their places of residence.

5. We proceeded on our voyage, and cruized about the Western Isles for some days, and on the following Sunday we fell in with a whaler, and burnt her; and we then cruized about, and in about two days we fell in with the schooner "Starlight," from Boston. We fired at her four times. Her captain said, "If I had but one gun on board I would fight you." He tried to make the land, but we overhauled him, and he brought-to. We kept the crew of the schooner, and on the next day we landed them at the Western Isles, and took the schooner in tow, for the purpose of decoying other vessels with the stars and stripes. We succeeded in capturing several; amongst other vessels we captured the "Manchester," of Philadelphia line of packets, bound from New York to Liverpool. We burnt this vessel, having first taken her crew, and we put them on board the "Tonawanda," which we had previously captured, and had then in tow. Amongst the crew there was a man of the name of George Forrest, who one of the Midshipmen recognized as having been a seaman on board the "Sumter," and had deserted. He was brought on board to Captain Semmes, who told him that if he behaved well he should have his pay and prize-money as the

as the other men, but that he had a right to detain him throughout the war without paying him a cent. Forrest was retained on board the "Alabama," was frequently punished by having his hands and legs fastened to the rigging, the punishment being known as the "spread eagle," and he would be kept in this position for four hours at a time, and this was done at least twenty times, and at last they ironed his legs and arms, and sent him on shore on a desolate island called Blencoola some 200 miles from the mainland, and left him. The crew subscribed some 17*l.*, unknown to Captain Semmes, which we gave him in the hope of its being some inducement to a vessel to take him off.

6. The barque "Agrippina," flying the British flag, and loaded with coals from Cardiff, was at Martinique when we arrived there; and she went out to sea, and whilst out she supplied us with coal. After this we went to Arkaskees, where we stopped and painted the ship, and then went towards Galveston, and off that place we fell in with the American ship "Hatteras," which we sunk. We got her crew on board, and proceeded to Port Royal, Jamaica. There I ran away, and left the "Alabama." Whilst there the "Alabama" enlisted two British sailors, who had deserted from Her Majesty's ships "Jason" and "Steady." Thomas Potter, who was fireman, also ran away, but the men of the "Alabama" came after him and arrested him, and took him back to the ship. Clarence Yonge, the purser, also left the ship. I was also arrested at an hotel in Jamaica by the "Alabama's" crew. They wanted to force me on board, but I refused to go until I had seen the Governor of the island, whose residence was some fifteen miles' distance; and I saw the Superintendent of Police, who on my producing a certificate that I was a Naval Coast Volunteer on board Her Majesty's ship "Majestic," I was released.

7. My wife received my half-pay. She used to receive it by Post-office order, payable at Swansea; and to obtain this she every month used to write Messrs. Fraser, Trenholm, and Co., or M. G. Klingender and Co., Liverpool, inclosing the half-pay note, and the latter firm used to send her a Post-office order for the 3*l.* 9*s.* 5*d.*, deducting the cost of the order and the postage. In February or March she wrote as usual for the half-pay note. They wrote in reply that they could send her no more money, as I had left the ship, but they did not return her the half-pay note.

8. On my return I called at Fraser, Trenholm, and Co.'s office for the balance of my wages, but they declined to pay me, and denied all knowledge of the ship; but Mr. Cooper gave me the name of Mr. M. G. Klingender, and told me to see him, and see if he could arrange it. I did so, but he told me he would not do so, as they had received a note from Captain Semmes that I had deserted at Jamaica.

9. The guns comprising the armament on the "Alabama" have Fawcett, Preston, and Co.'s marks on them, showing they were made by this firm.

(Signed) JOHN LATHAM.

Sworn and subscribed to before me this 8th day of January, 1864, at Liverpool, in the county of Lancaster.

(Signed) J. PEARSON, *a Commissioner to administer Oaths in Chancery in England.*

SCHEDULE before referred to.

Officers and Crew of the steamer "Alabama."

Raphael Semmes, Commander.
J. M. Kell, First Lieutenant.
Richard F. Armstrong, Second Lieutenant.
Joseph Wilson, Third Lieutenant.
John Low, Fourth Lieutenant, Englishman.
Arthur Sinclair, Master, that is Sailing Master.
Francis L. Galt, Surgeon, from Virginia, now acting as Paymaster.
Miles J. Freeman, First Assistant Engineer, ranks as Chief, born in Wales, does not know whether naturalized.
David Herbert Llewellyn, Assistant Surgeon, Englishman.

B. K. Howell, brother-in-law of Jeff. Davis, Lieutenant of Marines (no Marines on board).
Wm. H. Sinclair, Midshipman.
Irvine S. Bullock, Midshipman, Captain Bullock's brother.
Eugene Maffitt, Midshipman, Captain Maffitt's son.
Edward Maffitt Anderson, Midshipman, son of Colonel Anderson.
Wm. P. Brooks, Second Assistant Engineer.
S. N. Cummings, Third Assistant Engineer.
Matthew O'Brien, Third Assistant Engineer.

John M. Pundt, Third Assistant Engineer.
 George T. Fullam, First Master's Mate, Englishman.
 James Evans, Second Master's Mate, Charleston Pilot.

W. B. Smith, Captain's Clerk.
 Benjamin L. McCaskey, Boatswain.
 T. O. Cuddy, Gunner.
 Wm. Robinson, Carpenter.
 Henry Allcott, Sailmaker, Englishman.
 Clarence R. Yonge, Paymaster.

Petty Officers and Seamen.

James King, Master-at-arms, Savannah Pilot.
 Adolphus Marmelegs, Portuguese.
 Wm. A. King, Quartermaster.
 James King, Master-at-arms.
 James G. Dent, Quartermaster.
 Wm. Forestall, Quartermaster, Englishman.
 Ralph Masters, Quarter Gunner, Irishman.
 Wm. Crawford, Englishman, lives in Liverpool, belongs to Royal Naval Reserve.
 George Addison, Englishman, lives in Liverpool.
 Wm. Brinton, Englishman, Royal Naval Reserve.
 — Robinson, Head Carpenter.
 George Harwood, Boatswain's Mate, Englishman, Pensioner from English Navy, joined her at Liverpool Home, now is in "Southerner" as Boatswain, lives in Liverpool.
 Michael Kinshler, Irishman, Fireman, has a pension in England.
 Brent Johnson, Second Boatswain's Mate, Englishman, Naval Reserve man, joined vessel at Liverpool.
 Wm. Purdy, Sailmaker's Mate, Irishman by birth, lives in Liverpool, belongs to Naval Reserves, joined her in Liverpool.
 John Latham, Fireman, an Englishman, belongs to Coast Volunteers, enlisted in "Alabama" at Terceira.
 David Roach, Fireman, Englishman, resides in Liverpool, belongs to Royal Naval Reserve; enlisted in Liverpool; left her 22nd November.
 Thomas Murphy, Fireman, Englishman, left her at Western Islands.
 Thomas Welch, Englishman, left the ship; he enlisted in the "Alabama" in Liverpool.
 James Smith, Captain of Forecastle, Englishman, residing in Liverpool, belongs to Naval Reserve; enlisted on board of "Alabama" in Liverpool.
 Edward Fitzmorris, Englishman, enlisted on "Alabama" in Liverpool, is at home now; his wife lives at Aigburth.
 George Addison, Fireman, Englishman, lives at Liverpool, Copperas Hill; enlisted at Terceira.

James McFadgion, Fireman, Englishman, lives at No. 6, West Derby-street, Liverpool; enlisted at Terceira, is now at home.
 Thomas Potter, Fireman, Englishman, enlisted in "Alabama" at Liverpool, lives in Athol-street, Liverpool, deserted at Jamaica; they arrested him there and carried him on board; his wife lives in Liverpool now.
 Samuel Williams, Fireman, lives in Liverpool, born in Wales, enlisted in "Alabama" at Liverpool.
 Patrick Bradley, Fireman, Englishman, resides in Liverpool, enlisted in Liverpool.
 John Orrigin, Fireman, Irishman, resides in Athol-street, Liverpool, enlisted in Liverpool.
 Orran Duffy, Fireman, Irishman.
 Peter Duncan, Fireman, Englishman, resides in Liverpool, enlisted in Liverpool.
 Wm. Nevins, Coal-passer, Englishman, belongs to Naval Reserve, enlisted at Liverpool.
 Andrew Shillings, Scotchman, resides in Athol-street, Liverpool; has a wife; enlisted at Liverpool, is a Fireman.
 Charles Priest, Coal-passer, is a German.
 George Yeoman, Ordinary Seaman, Englishman, enlisted at Terceira.
 George Freemantle, Seaman, Englishman, enlisted at Terceira.
 Frederick Johns, Purser's Steward, Englishman, resides in Liverpool; father keeps a coal-yard in Howard-street; enlisted at Terceira.
 John Grandy, boy, English, lives in Liverpool.
 Thomas Weir, Gunner's Mate, Englishman, enlisted at Liverpool.
 James Busman, Seaman, Englishman.
 Edgar Tripp, Seaman, Englishman, lives in London, enlisted at Liverpool.
 John Neil, Seaman, Englishman, lives with his sister in Manchester-street, Liverpool, belongs to Naval Reserve, enlisted at Terceira.
 Thomas Winter, Fireman, Englishman, lives in Liverpool; his father is Ticket-collector at the Adelphi Theatre; enlisted at Liverpool.

Samuel Henry, Seaman, Englishman, resides in Liverpool, Naval Reserve Man, enlisted at Liverpool.

John Roberts, Seaman, Welchman, thinks he resides in Liverpool, enlisted at Terceira.

John Duggan, Seaman, Englishman, resides in Liverpool, belongs to Naval Reserve, enlisted at Terceira.

Martin King, Seaman.

Thomas Williams, Seaman, Englishman, resides in Liverpool, belongs to Naval Reserve, enlisted at Terceira.

Robert Williams, Seaman, Englishman, resides in Liverpool, belongs to Naval Reserve, enlisted at Terceira.

Joseph Pearson, Seaman, Englishman, belongs to Chester, enlisted at Liverpool.

Joseph Connor, Seaman, Englishman, resides in Walnut-street; his wife lives there, and keeps a Butcher's shop; belongs to Naval Reserve, joined at Terceira.

Thomas McMullen, Seaman, Englishman, resides in Liverpool, joined at Terceira.

Michael Mars, Seaman, Englishman, belongs to Bristol, Naval Reserve, joined at Terceira.

Robert Egan, boy, English, belongs to Chorley.

Malcolm Macfarlane, Seaman, Scotchman, resides in Liverpool, belongs to Naval Reserve, enlisted at Terceira.

Peter Henny, Seaman, Irishman, lives in Liverpool, enlisted at Terceira.

Charles Goodwin, Seaman, Englishman, resides in Liverpool, enlisted at Terceira.

James Hicks, Captain of the Hold, Englishman, enlisted at Liverpool, thinks he resides here.

Robert Parkinson, Wardroom Steward, Englishman, resides in Liverpool, enlisted in Liverpool.

George Appleby, Yeoman, Englishman, resides in Liverpool, married man, enlisted in Liverpool.

John Emory, Seaman, Englishman, resides in Liverpool, belongs to Naval Reserve, enlisted at Terceira.

Wm. Hearn, Seaman, Englishman, resides in Liverpool, belongs to Naval Reserve, enlisted at Terceira.

Thomas L. Parker, Boy, English, stops with Brent Johnson.

A. G. Bartelli, Seaman, Portuguese.

Peter Hughes, Captain of Top, Englishman, resides in Liverpool, belongs to Naval Reserve, enlisted at Liverpool.

Henry Fisher, Seaman, Englishman, resides at Liverpool, enlisted at Liverpool.

Frank Townsend, Seaman, Englishman, enlisted at Liverpool.

George Forrest, Seaman, Irishman, taken off the ship "Manchester" because he had deserted from the "Sumter," and tried by a Court-martial for causing mutiny, and sent on shore in irons to Island Blanco and left there. Previous to his being tried for mutiny he was tied up twenty times in the rigging with his arms spread, for four hours at a time, day and night.

(Signed)

JOHN LATHAM.

Inclosure 3 in No. 26.

Affidavit of Martha Latham.

I, MARTHA LATHAM, of 19, Wellington Street, Swansea, in the county of Glamorgan, wife of John Latham, make oath and say as follows:—

My husband was one of the crew of the steamer "Alabama." In the month of August 1862, my husband, who was in Liverpool, wrote to me that he was going out in the steamer "Bahama" to run the blockade. Some weeks after that I received a letter from my husband dated at the Western Islands, stating that he had joined the steamer "Alabama" for 7*l.* a-month. On the same day I received another letter from Captain James D. Bullock, inclosing me a half-pay note, signed by Captain Semmes, for the half-pay of my husband while he served on board of said steamer "Alabama." The note was payable to me at Fraser, Trenholm, and Co., in Liverpool. In the latter part of August, or first part of September 1862, my husband's cousin, Thomas Winstanly, 36, Jasper Street, Liverpool, received 5*l.* for me from the office in Liverpool. I had sent him Captain Bullock's letter, and the one from my husband; I sent my half-pay note to Liverpool to draw the money on it. It was returned to me in the letter annexed hereto, marked A. I signed my name and sent it to the office of M. G. Klingender and Co., Liverpool, who sent me 3*l.* 10*s.*, less 7*d.* the expenses. It was sent me in a Post Office Order, in a letter dated October 3rd, 1862, annexed hereto, and marked on back Exhibit B. On the 31st October, 1862, M. G. Klingender and Co. sent me

NORTH AMERICA.
No. 1. (1864.)

Correspondence respecting the "Alabama."

(In continuation of Correspondence presented to
Parliament in March 1863.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON :

PRINTED BY HARRISON AND SONS.

64
NORTH AMERICA.

No. 2. (1864.)

CORRESPONDENCE

RESPECTING THE

CAPTURE OF THE "SAXON"

BY THE

UNITED STATES' SHIP "VANDERBILT."

*Presented to the House of Lords by Command of Her Majesty, in pursuance of their
Address dated February 16, 1864.*

LONDON:
PRINTED BY HARRISON AND SONS.

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“Return of Claims made by British Subjects upon” the United States’ Government, sustained either in Person or Property since the Secession of the Southern States, specifying how and the Grounds on which such Claims have been disposed of:” Also
“Correspondence or Extracts from Correspondence relative to the Capture of the ‘Saxon’ by the United States’ ship ‘Vanderbilt’: And also
“Copy of Instructions to the Colonial Authorities relative to the Detention of the “Tuscaloosa.” ”

No. 1.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 23.)

Sir, *Admiralty, December 22, 1863.*
I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 17th ultimo, from Rear-Admiral Sir Baldwin Walker, with its inclosures, reporting the proceedings of the United States’ ship-of-war “Vanderbilt” at the Cape of Good Hope, after her return from the Mauritius, and the seizure by that ship of the colonial vessel “Saxon” at Angra Pequena.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 1.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir, *“Narcissus,” in Simon’s Bay, November 17, 1863.*
I BEG you will inform the Lords Commissioners of the Admiralty that the United States ship-of-war “Vanderbilt,” after leaving this port on the 11th September last, proceeded to Mauritius, in search I believe of the Confederate ships “Alabama” and “Georgia;” not finding either of those vessels, she returned to Table Bay to coal and proceed on the 22nd ultimo.

When this vessel first touched at this port, the commander requested to be supplied with coals and provisions, which, on the supposition that he had not received any at a British possession for three months, having it was believed come last from Rio de Janeiro, his demands were complied with. It was subsequently ascertained that the “Vanderbilt” had touched at St. Helena and received about 400 tons of coal, all that was there.

Under these circumstances, with the fact of her having obtained coal at Mauritius, on the question being raised, I expressed to the Governor of this colony my opinion that no further supplies should be given her here, in accordance with the provisions of Earl Russell’s letter for the preservation of strict neutrality. The “Vanderbilt” did not, therefore, receive any coal, and left Table Bay on the 27th ultimo, proceeding northward.

On the 6th instant I received a letter from some merchants at Cape Town (a copy of which is inclosed) reporting that the “Vanderbilt” had met the colonial vessel “Atlas” and subjected her to very close examination, and as it appeared to be probable that Commander Baldwin would proceed to Ichaboe for the purpose of searching some English vessels there, I dispatched the “Valorous” to that island to prevent anything of the kind, and to acquaint the American captain, if he was not aware of it, that it is a British possession.

The “Valorous” returned to this port on the 15th instant, reporting (see Inclosure No. 2) that the “Vanderbilt” had visited Angra Pequena on the west coast of Africa, and having found there the colonial vessel “Saxon” (lately employed in conveying cattle to Ascension) loading with wool, stated to have been part of the cargo of the “Tuscaloosa,” disembarked there (a vessel captured by the “Alabama” and constituted a tender, but which vessel was not condemned in any Prize Court, as stated in my letter No. 86 of the 19th August last). Commander Baldwin seized her, and sent her as a prize to New York, putting the crew into a small English schooner, now on her way to Table Bay. The “Valorous” did not fall in with the “Vanderbilt,” nor had that vessel been

at Ichaboe; it was also reported to Captain Forsyth that the mate of the "Saxon" had been shot, but under what circumstances he could not learn.

It is stated that the "Vanderbilt" took in 250 tons of coal, said to belong to Messrs. de Pass, Spence, and Co., of Cape Town, from an island at Angra Pequena.

I should remark that Angra Pequena lies beyond the colonial territory, but our merchants have been there collecting guano, &c.

The "Valorous" did not find any vessels whatever at Ichaboe, and therefore returned to this anchorage on the 15th instant.

I have, &c.

(Signed) B. W. WALKER.

P.S.—It is stated in the public papers that Penquin Island, at Angra Pequena, near which the "Saxon" is said to have been seized, and whence the coal was taken by the "Vanderbilt," is a British possession, and was annexed to the Cape Colony at the same time as Ichaboe, but of this circumstance I am not aware, my instructions being only to take possession of the island of Ichaboe.

Inclosure 2 in No. 1.

Captain Forsyth to Rear-Admiral Sir B. Walker.

Sir,

"Valorous," at Simon's Bay, November 15, 1863.

IN compliance with orders contained in your letter of the 7th instant, I put to sea in Her Majesty's ship, under my command, at 8.30 P.M. the same evening. On the afternoon of the 10th I arrived at Angra Pequena. Finding no vessels at that anchorage, I dispatched boats to the islands in the vicinity, and also to the mainland, to make inquiries respecting the movements of the United States war-steamer "Vanderbilt." The result was that, from information obtained from four men engaged in collecting guano, she had anchored there on the 30th ultimo, and found the English barque "Saxon," belonging to Messrs. Saxon, Anderson, and Co., of Cape Town, taking in wool, she immediately seized and took forcible possession of the same. It was alleged as the reason for so doing, that she (the "Saxon") had on board wool that had been previously disembarked by the "Tuscaloosa" prize to the Confederate war-steamer "Alabama." The crew of the captured vessel, with the exception of the mate, who was shot (but under what circumstances I could not ascertain), was put on board the British schooner "Isabel," in order to be forwarded to Cape Town. The "Saxon" left the 1st instant,—it is reported for New York.

Early on the morning of the 11th I proceeded to the island of Ichaboe, and there heard that the "Vanderbilt" sailed from Angra Pequena on the 2nd, after having taken on board coals that were deposited at Penquin Island in that harbour, the property of Saxon, Anderson, and Co. I was also informed that the "Isabel" had gone to the northward on the coast completing her cargo, preparatory to her return to Cape Town. From orders precluding my searching further to the northward for the "Vanderbilt" than Ichaboe Island, I made the best of my way to rejoin your flag, and beg to report my arrival here this morning.

I have, &c.

(Signed) CHARLES C. FORSYTH.

Inclosure 3 in No. 1.

Messrs. Saxon and Co. to Rear-Admiral Sir B. Walker.

Sir,

Cape Town, November 6, 1863.

WE have the honour to report that the schooner "Atlas," belonging to the second Undersigned, arrived at this port on the 4th instant; and the master reports that he was boarded a few days previous in sight of the coast by an armed boat from the United States' steamer "Vanderbilt," and that he was called upon by the officer in charge and made to show his log-book and papers; after which the vessel's cabin and hold were searched throughout, and the vessel detained a considerable time.

The master of the "Atlas" further reports that the officer in charge inquired respecting the movements of the vessels on the coast, and mentioning the names of two belonging to us that are at present loading guano at the British island of Ichaboe, and stating his intention of subjecting those vessels to the same ordeal and indignities.

We would respectfully solicit your Excellency that this is most unusual conduct on the part of a foreign vessel of war on a colonial coast, and as this is calculated very seriously to interfere with British commerce, we would solicit your taking such steps as to you may be considered best.

We have, &c.
(Signed) WM. ANDERSON, SAXON & CO.
DE PASS, SPENCE & CO.
Pro R. GRANGER & CO.
G. N. EBDEN.

No. 2.

Mr. Elliot to Mr. Hammtond.—(Received December 24.)

Sir

Downing Street, December 24, 1863.

I AM directed by the Duke of Newcastle to transmit to you, for the consideration of Earl Russell, copies of two despatches from the Governor of the Cape of Good Hope, with a copy of another from the Governor of St. Helena, respecting the movements and proceedings of the United States' sloop-of-war "Vanderbilt."

By two of these despatches it will be seen that there is ground to apprehend that this sloop has seized a British vessel unlawfully. The next despatches from the Cape may be expected to bring fuller particulars and more direct evidence, but in the meanwhile the Duke of Newcastle loses no time in putting Earl Russell in possession of so much information as has as yet been received on the subject.

I am, &c.
(Signed) T. FREDK. ELLIOT.

Inclosure 1 in No. 2.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, October 26, 1863.

I HAVE the honour to report to your Grace, that the United States' war-steamer "Vanderbilt," has again visited this colony.

On her arrival in Table Bay, the Commander landed and delivered to me a letter, in which he represented himself to be in want of coals and repairs. On my objecting, with regard to the former, that three months had not elapsed since he had taken in a supply at Simon's Bay, he urged, that under Her Majesty's instructions the Governor of a colony possessed the power to grant "special permission," as an exception to the general regulations on the subject, and he added, that it was within his own knowledge that the Confederate steamer "Georgia" had called at Barbadoes twenty-seven days after coaling at the Bahamas; that the "Florida" had at Bermuda taken in coals sufficient for a month, when three days would have taken her to a Confederate port, and that he himself had lately been allowed to coal at the Mauritius, although the Governor was aware of his having coaled at Simon's Bay. I informed him, that I would send an answer to his application on the following day, and accordingly, after duly considering all the circumstances of the case, I directed the Colonial Secretary to acquaint him, that I did not feel at liberty, under all the circumstances of the case, to grant "special permission" for the shipment of the coals.

I inclose copies of the correspondence, and trust your Grace will approve of the decision.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 2 in No. 2.

Commander Baldwin, U.S.N., to Sir P. Wodehouse.

Sir,

"Vanderbilt," Cape Town, October 22, 1863.

I HAVE the honour to make known to your Excellency the arrival here of this ship.

I have come to this harbour for the purpose of making some necessary repairs to my machinery, and also to get a supply of fuel.

I therefore ask your Excellency's permission to lie here for the above-mentioned purposes the necessary time, say, from four to six working days.

I have, &c.
(Signed) CHAS. K. BALDWIN.

Inclosure 3 in No. 2.

The Colonial Secretary to Commander Baldwin, U. S. N.

Sir,

Colonial Office, October 23, 1863.

I AM directed by the Governor to acquaint you, that he has given his best consideration to the letter which he had the honour of receiving from you yesterday, as well as to the verbal representations you made to him relative to the issue of coals to American vessels-of-war by the "special permission" of the Governors of other British colonies, as an exception to general directions of the British Government on the subject.

Looking to the stringent nature of the instructions he has received, the Governor entertains some doubt whether the authority to grant "special permission" be really vested in himself. But he considers that there are special circumstances affecting the ship under your command sufficient in themselves to guide him in dealing with your application.

It has been the unvarying desire of Her Majesty's Government to abstain, as far as practicable, from affording to either of the parties engaged in the American civil war, assistance in the prosecution of hostilities towards each other; and accordingly, in regulating the issue of coals at British ports to their ships-of-war, the object has manifestly been to restrict those issues to the supplies needed for carrying them to some defined destination in foreign parts, or from some foreign port to their own country, and not to facilitate their cruising for an indefinite period for purposes of the war.

Applying this principle to the case of the "Vanderbilt" the Governor finds that on her way from South America to the Cape she coaled at the British colony of St. Helena; that shortly after that she coaled again at Simon's Bay, and that after remaining in the neighbourhood of our ports for a time, she proceeded to Mauritius, where she coaled again, and then returned to this colony.

It is also matter of notoriety that the object of her movements has been to intercept the Confederate cruisers which have lately visited our shores. Under these circumstances, with the information now before him, the Governor believes that he would be acting in opposition to the spirit of Her Majesty's instructions if he were to grant "special permission" for the issue of coals within the limited term of three months.

His Excellency has no objection to offer to your remaining in port for the time required for the completion of indispensable repairs.

I have, &c.
(Signed) RAWSON W. RAWSON.

Inclosure 4 in No. 2.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, November 20, 1863.

WITH reference to my recent despatches respecting the Federal and Confederate war-steamers "Vanderbilt" and "Alabama," I have the honour to forward communications received from the naval Commander-in-chief of this station, from which your Grace will learn that acts of very questionable legality have been committed by the Federal steamer "Vanderbilt."

As the crew of the captured vessel have not yet reached Cape Town, I am not in a position to supply your Grace with more precise information by this mail.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 5 in No. 2.

Rear-Admiral Sir B. Walker to Sir P. Wodehouse.

Sir, "Narcissus," *Simons Bay, November 15, 1863.*
 I BEG to forward for your Excellency's information, the copy of a letter I have received from Captain Forsyth, of Her Majesty's ship "Valorous," who has this morning returned to this anchorage from Ichaboe, reporting the capture of the colonial vessel "Saxon," by the United States' ship-of-war "Vanderbilt," at Angra Pequena, on the 30th ultimo.

I have, &c.
 (Signed) B. W. WALKER.

Inclosure 6 in No. 2.

Captain Forsyth to Rear-Admiral Sir B. Walker, November 15, 1863.

[See Inclosure 2 in No. 1.]

Inclosure 7 in No. 2.

Sir C. Elliot to the Duke of Newcastle.

My Lord Duke, *St. Helena, November 17, 1863.*
 THE United States' sloop "Vanderbilt" called off this port on the 10th instant, but did not anchor. Commander Baldwin was so good as to send me a few newspapers, from which I collect that he had come on from the Cape of Good Hope, after having been as far to the eastward as the Mauritius. The "Vanderbilt" left this place, steering about west-north-west.

2. I learn from an officer who visited the "Vanderbilt," that it was said on board she had called at Angra Pequena Bay, and captured there or in that neighbourhood the British barque "Saxon," belonging, as I am informed, to a firm at Cape Town. It was said that this barque had on board part of the cargo of the American barque "Sea Bride," taken a few months since by the "Alabama," and armed, as I am informed, from that vessel, either as a tender to the Confederate ship, or under a commission, said to be issued by the Commander of the "Alabama." It has also been stated here that the "Vanderbilt" found and appropriated a considerable quantity of coal at Angra Pequena, intended for the "Alabama;" whether waterborne or on shore I cannot say.

3. Your Grace will probably have correct particulars of the case direct from the Cape, but I have thought it right to mention what has reached me upon the subject.

I have, &c.
 (Signed) CHARLES ELLIOT.

No. 3.

Messrs. Sinclair, Hamilton, and Co., to Earl Russell.—(Received January 5.)

My Lord, 11, *St. Helen's Place, London, January 4, 1864.*

WE have the honour to address your Lordship as the Agents in this country of Messrs. W. Anderson, Saxon, and Co., Cape Town, Cape Good Hope, with reference to the seizure by the United States steamer "Vanderbilt," of the British barque "Saxon," belonging to them.

We are informed that that vessel has been sent to New York in charge of a prize crew. The original crew are, we believe, now at Cape Town, except the chief mate, who is said to have been killed, but as the crew had not arrived at the date of the last advices, we must await arrival of the next mail before we can lay before your Lordship the depositions of the master and crew of the "Saxon."

We presume your Lordship is already in possession of the information collected by the Commander of Her Majesty's ship "Valorous." Our information is, that the "Saxon" was seized while at anchor, as we believe, in British waters. The ground of the seizure is alleged to be, that the "Saxon" had on board cargo that had been landed by the Confederate vessels-of-war and had been taken from Federal prizes. We have no detailed information on this subject, but assuming the fact to be as stated, we are advised that it would form no ground for the seizure of the ship.

We have further to inform your Lordship, that Messrs. W. Anderson, Saxon, and Co., had stored, on Penguin Island, British territory, 250 tons of coals, which are reported to have been either seized or destroyed by the Commander of the "Vanderbilt." For the present we shall abstain from remarking further on this proceeding until we receive direct evidence of the facts; but in the meantime we have to beg that your Lordship will cause such steps to be taken as may be necessary for the protection of our friends Messrs. Anderson, Saxon, and Co., whose rights as British subjects have thus been infringed.

We have, &c.
(Signed) SINCLAIR, HAMILTON & CO.

No. 4.

Mr. Hammond to Messrs. Sinclair and Co.

Gentlemen, *Foreign Office, January 6, 1864.*
I AM directed by Earl Russell to acknowledge the receipt of your letter of the 4th instant, respecting the seizure of the barque "Saxon" by the United States steamer "Vanderbilt;" and I am to inform you that this case is under the consideration of Her Majesty's Government.

I am, &c.
(Signed) E. HAMMOND.

No. 5.

Consul Archibald to Earl Russell.—(Received January 9.)

My Lord, *New York, December 23, 1863.*
I HAVE the honour to transmit, herewith enclosed, for your Lordship's information, a copy of my despatch of this date to Lord Lyons, reporting the arrival at this port of the barque "Saxon," in charge of a prize crew.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 1 in No. 5.

Consul Archibald to Lord Lyons.

My Lord, *New York, December 23, 1863.*
I HAVE the honour to report to your Lordship the arrival at this port, in charge of a prize crew, from the United States ship "Vanderbilt," of the British barque "Saxon" of Cape Town.

The "Saxon" was captured by the "Vanderbilt" at Angra Pequena, on the West Coast of Africa, on the 29th October last. Her cargo consists principally of wool, and is stated to have been part of the cargo of the American barque "Conrad," heretofore captured by the Confederate States' ship "Alabama." The enclosed slip from the newspapers of this morning contains all the information I have as yet obtained in reference to this capture.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 2 in No. 5.

Report of the Capture of the "Saxon."

The barque "Saxon," captured on the west coast of Africa by the cruiser "Vanderbilt."

THE barque "Saxon," of Cape Town, Cape of Good Hope, arrived at this port last evening, from Angra Pequena, West Coast of Africa, in charge of Acting-Master E. S. Keyser, of the United States' steamer "Vanderbilt." The "Saxon" was captured by the "Vanderbilt" on the 28th of October, at the above place, about four hundred miles north of the Cape of Good Hope. She had on board part of the cargo of the barque "Conrad," which vessel was captured by the privateer "Alabama," and afterwards converted into the privateer "Tuscaloosa." The cargo is principally wool.

The "Saxon" was formerly the American barque "Lucy Johnson," of New London, but was wrecked at Table Bay, and was subsequently purchased by Messrs. Anderson and Saxon, of Cape Town; she is about 250 tons burthen.

The "Vanderbilt," also, found at Penguin Island, 200 tons of coal, which had been left there for the benefit of the rebel privateers. It was confiscated by the Captain of the "Vanderbilt." All on board the "Vanderbilt" are well.

No. 6.

Consul Archibald to Earl Russell.—(Received January 19.)

My Lord,

New York, January 5, 1864.

REFERRING to my despatch, of the 23rd ultimo, reporting the capture and arrival at this port of the barque "Saxon," of Cape Town, I now have the honour to transmit, herewith inclosed, for your Lordship's information, a copy of my despatch of this date to Lord Lyons, reporting the further proceedings in the case of the "Saxon," and inclosing a copy of a deposition made before me by the late second mate of that vessel.

I have, &c.

(Signed) E. M. ARCHIBALD.

Inclosure 1 in No. 6.

Consul Archibald to Lord Lyons.

My Lord,

New York, January 5, 1864.

REFERRING to my despatch of the 23rd ultimo, in reference to the capture and arrival at this port of the barque "Saxon" of Cape Town, I now have the honour to report that testimony *in preparatorio* has been taken before the Prize Commissioners, and a libel has been filed, the process on which is returnable on the 19th instant. I have accordingly directed an appearance and claim to be entered in my name, as Consul, on behalf of absent owners of vessel and cargo, who appear to have no agent or correspondent at this port, in order to prevent a judgment by default, and to gain time for their defence, and for proof in support of their claims.

Of the crew of the "Saxon" the captors brought over the second mate, named David Aitcheson, and the cook, named William Johnson. I was yesterday enabled to obtain the deposition of the second mate in relation to the circumstances connected with the capture of the "Saxon," and more especially respecting the shooting of the chief mate, James Gray, by a Mr. Donohoe, an officer of the "Vanderbilt," who was at the time on duty on board the "Saxon."

The second mate, Aitcheson, is a very intelligent young man, and from the statements in his deposition, a copy of which I have the honour to transmit, herewith inclosed, for your Lordship's information; the shooting of the mate Gray appears to have been an act of wilful murder. I presume that a report of the facts of the case will, before this time, have reached Her Majesty's Government from Cape Town. The second mate has shipped at this port on board the barque "Cleveland," a British vessel which sailed from hence yesterday, bound for London, where he can be had for further examination, if requisite. I have been unable to obtain the name and address of the

consignees in London, of the "Cleveland." The name and address of the owner is Solomon Mease, North Shields.

I have not as yet been able to procure the attendance before me of William Johnson, the cook of the "Saxon." I am informed, however, by the second mate, that he, the cook, was not a witness of the shooting of the mate by the officer, Donohoe.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 2 in No. 6.

Affidavit of the Second Mate of the "Saxon."

British Consulate, New York.

DAVID AITCHISON, a native of Dundee, Scotland, mariner, of the age of 29 years, at present at New York, maketh oath, and saith as follows :

On the 23rd of August last I shipped at Cape Town on board the barque "Saxon," of Cape Town, Stephen Sheppard, master, for a voyage to Ascension, Angra Pequena, and Falmouth, for orders. I shipped as second mate; the mate's name was James Gray, a native of Aberdeen, Scotland. We sailed from Cape Town early in September; I do not remember the day, and proceeded to Ascension. We carried cattle and forage, being partly in ballast. We landed the cattle at Ascension, where we remained seven days, and then proceeded to Angra Pequena, on the west coast of Africa, where we arrived about the middle of October. About the 23rd of October we began to take in cargo. We were delayed in loading owing to the absence of the agent, Captain Boyce, who had gone down to leeward. We laded 156 bales of wool and hides; 30 of the bales were hides. We were five days in loading. The wool and hides were lying on the shore, and were brought off in a large flat-bottomed boat. On the day that the loading of the "Saxon" was completed, the United States' steam ship "Vanderbilt" arrived at Angra Pequena, and anchored about a mile or a mile and a half from us. She sent a boat with two officers and a crew on board of the "Saxon." One of the officers was named Donohoe; he was an acting master's mate. The officer in charge of the boarding party had some conversation with Captain Sheppard, and had the after-hatch taken off, and looked at the cargo. He demanded the ship's papers, which were handed to him by Captain Sheppard, who asked to have them back, as he was loaded and ready for sea. The officer refused to return them, and said he would take them on board the "Vanderbilt." The officer then returned with the boat's crew to the "Vanderbilt," taking the papers, and leaving on board the "Saxon" the officer Donohoe above mentioned, in charge of the "Saxon." We then went to dinner in the cabin of the "Saxon;" that is, Captain Sheppard, the mate James Gray, the officer Donohoe, and myself. Donohoe well knew Gray to be the mate of the barque. Late in the afternoon three boats' crews from the "Vanderbilt" came on board of us, being in all about fifty men, all armed. The men all had a glass of grog on board the "Saxon," being wet in coming on board. The officer in charge of the whole party was a Lieutenant Keefe; he said his orders were to get the barque under weigh, and bring her down the lagoon.

By this time the "Vanderbilt" sighted a barque outside, and proceeded to sea after her. The "Saxon" was then got under weigh, and proceeded a short way down the lagoon, and then anchored again. Captain Sheppard asked Mr. Keefe for permission to send on shore some salt beef, pork, and bread for six men, who had been assisting in loading the "Saxon," until a supply should come for them from Cape Town. Lieutenant Keefe granted permission, and a signal being made for the six men, they came off in their boat. They were men who carried on the business of digging guano, and sealing, and had been for eight months and upwards at that and other neighbouring places on the coast, under charge of Captain Boyce. When the men came on board they went to get their provisions out of the cask, under the superintendence of the master and mate of the "Saxon." There was some little confusion, and Lieutenant Keefe told Captain Sheppard that the men had got enough provisions, and ordered Captain Sheppard and the mate Gray to go into the cabin. Mr. Keefe and the Captain proceeded aft together, and went up the steps of the poop, the mate following close after them. The Captain went down the companion way into the cabin, and as the mate went up the steps of the poop, and was going aft towards the companion way, the officer Donohoe, above-mentioned, who was stationed at the break of the poop, called him back, and took hold of him, trying to stop him. A stout man, belonging to the "Vanderbilt," who stood behind

Donohoe, pushed the mate forward, at the same time that Donohoe also took hold of the mate to push him forward. The mate being thus pushed was falling forward, down the poop steps, when Donohoe fired at him with a revolver, and shot him,—the ball entering the mate's head below the right ear. The mate fell on the deck apparently dead. I was standing near the mainmast at the time of the occurrence, and saw all that passed. I was about six or eight yards distant. On seeing Gray fall I immediately went to him, and lifted up his head. He never spoke, and must have been dead within half a minute after falling. As I took the mate's head on my knee, I heard Donohoe say, "We must obey orders," or, "he must obey orders,"—I am not sure which. About a minute afterwards he added, "Well, it is an accident, my revolver was cocked." On hearing the report of the revolver Captain Sheppard came running out of the cabin, and saw Gray lying on the deck, and said to me, "Is Gray dead?" I replied, "Yes, Sir." He said, "Poor Gray, he has been with me for six years." Lieutenant Keefe, who was standing on the poop, called out, "Is that man dead?" Several of us replied "Yes." He said "Then put him down the after-hold, and put the hatches on." The body was put down there accordingly. When Mr. Donohoe stopped the mate, the mate said he belonged aft, and he wanted to go to his cabin. When the revolver was fired, all the men of the "Vanderbilt," who were on board, drew their cutlasses, which frightened the six men who had come from the shore, and they thereupon rushed over the vessel's side into their boat and went ashore.

The whole of the men from the "Vanderbilt" remained on board the "Saxon" all night and until the afternoon of the next day, when the "Vanderbilt" returned from sea. We had our flag half-mast. A boat was sent from the "Saxon" on board the "Vanderbilt," to tell them of the mate's having been shot. On the same evening the corpse was buried on the shore. That night the prize-crew came on board, consisting of a Captain Keyser and fifteen hands, and the next day the "Saxon" was got under weigh, and proceeded to New York. Captain Sheppard, and ten of the crew, were landed at Angra Pequena. Myself and the cook, William Johnson, a coloured man, were brought on to New York. I assisted in working the barque over, under the orders of the Prize-Master. I had charge of a watch. We arrived at New York on the 22nd ultimo. I was detained one day on board of the guard ship, and for two days in the House of Detention, and gave my evidence before the Prize Commissioners. I told them about the shooting of the mate, but they did not take down my evidence on that point.

(Signed) DAVID AITCHISON.

Sworn by the said David Aitchison at the British Consulate, New York, this 4th day of January, A.D., 1864, before me.

(Signed)

E. M. ARCHIBALD,
Her Britannic Majesty's Consul.

No. 7.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, January 21, 1864.

THE fact of the capture of the British vessel "Saxon," at Angra Pequena, on the Coast of Africa, by the United States' steamer-of-war "Vanderbilt," will have been made known to your Lordship by the arrival of that vessel at New York, in charge of a prize crew. I inclose, for your information, copies of the papers relating to the transaction which have been transmitted to this office from various quarters.

I should inform you that Angra Pequena is not a possession of the British Crown, though situated at no great distance from Her Majesty's possessions on that coast.

The Law Officers have not yet sufficient information before them to enable them to form a definitive opinion on the subject, and you will see by the inclosed copy of a letter which has been addressed by my direction to the Admiralty, to the Colonial Office, and to Messrs. Sinclair, Hamilton, and Co., that I am endeavouring to obtain it for them.

In the meantime, however; I have to instruct your Lordship to call the attention of the Government of the United States to the apparently extraordinary circumstance of the capture at so great a distance from American waters of a British colonial vessel, which was certainly not exposed to the suspicion of contemplating any breach of blockade, or, so far as appears, of carrying contraband of war to the enemies of the United States; and your Lordship will request the Government of the United States either to direct the immediate release of the "Saxon," with proper compensation to the owners, or at least to explain the ground on which her seizure and detention are supposed to be justified.

I received the day before yesterday from Mr. Consul Archibald a copy of the deposition which has been communicated to your Lordship respecting the murder of the mate of the "Saxon," at the time of her capture by one of the officers of the "Vanderbilt," and as soon as I have been able to ascertain the view taken by the Law Officers of the transaction, I shall furnish your Lordship with such special instructions on that feature in the case as they may recommend.

I am, &c.
(Signed) RUSSELL.

No. 8.

*Mr. Hammond to the Secretary to the Admiralty.**

Sir,

Foreign Office, January 21, 1861.

I AM directed by Earl Russell to request that you will acquaint the Lords Commissioners of the Admiralty, that his Lordship has been in communication with the Law Officers of the Crown on the subject of the capture, at Angra Pequena, on the coast of Africa, of the British vessel "Saxon," by the United States' steamer "Vanderbilt," to which the attention of this Office was called by your letter of the ^{22nd ultimo,} ^{24th ultimo,} and by similar communications received from other quarters. ^{4th instant,}

The Law Officers have, however, stated to Lord Russell, that they cannot finally advise his Lordship as to the course which should be taken in the matter, without having before them a fuller communication of facts; and they desire particularly to be informed, when, and by what means, and for what consideration, or under what arrangements, the "Saxon" became interested or concerned in the shipment or carriage of the wool taken by the "Alabama," in the "Sea Bride,"† which had been deposited at Angra Pequena; and whether the coals, stated to have been seized by the "Vanderbilt," were, at the time of seizure, on ship-board or on land, and whether they had been conveyed or had been deposited in the place where they were found by the "Saxon" for any purpose connected with the supply of the "Alabama."

I am to request that you will [move the Lords Commissioners of the Admiralty to take such steps as they may judge most calculated to] enable his Lordship to lay before the Law Officers the information desired by them on the several points to which I have adverted.

I am, &c.
(Signed) E. HAMMOND.

No. 9.

The Secretary to the Admiralty to Mr. Hammond.—(Received January 23.)

Sir,

Admiralty, January 22, 1864.

WITH reference to your letter of yesterday, I am commanded by my Lords Commissioners of the Admiralty to state, for the information of Earl Russell, that Rear-Admiral Sir Baldwin Walker will be called upon to report on the points therein mentioned with regard to the case of the British vessel "Saxon," captured at Angra Pequena by the United States' steamer "Vanderbilt."

My Lords would suggest that information on this subject might also be obtained from the Governor of the Cape of Good Hope.

I am, &c.
(Signed) C. PAGET.

No. 10.

The Secretary to the Admiralty to Mr. Hammond.—(Received January 29.)

Sir,

Admiralty, January 25, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, and with reference to previous correspondence, a

* A similar letter was sent to Colonial Office and Messrs. Sinclair, Hamilton, and Co.

† For the "Sea Bride," read the "Tuscaloosa."

‡ The passage in brackets omitted to Messrs. Hamilton.

copy of a letter, dated the 17th ultimo, from Rear-Admiral Sir Baldwin W. Walker, Bart., respecting the seizure of the British colonial vessel "Saxon," at Angra Pequena, by the United States ship-of-war "Vanderbilt," together with copies of the statements of the Master and crew of the "Saxon" of the circumstances attending the seizure.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 10.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir, "Narcissus," Simon's Bay, December 17, 1863.
REFERRING to my letter, dated the 17th ultimo, reporting the seizure of the British colonial vessel "Saxon," on the 30th October last, by the United States' ship-of-war "Vanderbilt," at Angra Pequena, on the south-west coast of Africa, I beg to inclose, for their Lordships' information, the statements of the Master and crew of the "Saxon," who have since returned to Cape Town, containing full particulars of the proceedings of the American officers and of the death of the chief mate of the "Saxon," who was shot by one of them after the seizure of the vessel.

It is alleged that Penguin Island, at Angra Pequena, near to which the "Saxon" was lying, is British territory. I find, on inquiry, it was annexed to this colony in August, 1861, together with Ichabo and others, as a guano island, by a proclamation of Sir George Grey, subject to the approval or disapproval of Her Majesty's Government, but it does not appear to have been confirmed or noticed in any way from home.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 10.

Statement of the Master of the "Saxon."

I SAILED from Ascension on the 26th September, and arrived at Angra Pequena on the 16th October.

On the 27th I commenced taking in cargo—skins and wool. On October 30th, at 11 A.M., we finished loading. The carpenter then commenced to batten down the hatches, the men being employed in clearing decks, and securing spars, and getting ready for sea.

About 1, P.M. we saw a steamer rounding Angra Point, which proved to be the Federal man-of-war "Vanderbilt." She came to an anchor abreast of Penguin Island, lowered a boat, and sent it on board the "Saxon," with two officers and a boat's crew, all armed. At 1.30 P.M., she boarded us, and the officer asked where I was from. I told him from Ascension.

He then asked how long I had been at Angra Pequena; and I told him. He also asked what my cargo consisted of; and I told him.

He then requested me to show him my papers. I asked what authority he had to look at my papers. He said Captain Baldwin had sent him to look at the ship's papers; and added, "It is of no use, Captain, I must see your papers." I then showed him the ship's papers. He read them and said, "Skins and wool; that will do," and went on deck, taking the papers with him.

He looked down the hold, and asked me if I knew where the skins and wool came from. I told him that all I knew about it was, that I had come there to take it in. He then told me he must take my papers to Captain Baldwin, and would leave an officer on board to make a signal in case I should attempt to move the ship. I told him I was ready for sea, and would go, papers or no papers, and take with me the officer he might leave.

He then said I had better try it, as the steamer would go faster than we could. He then left the ship, leaving a junior officer on board. At the same time that the officer left my ship, a second boat, with another officer and crew, all armed, put off from the steamer. They came on board about 2.30 P.M., and took charge, placing armed men all round the ship, and driving my crew below.

The officer never reported to me that he had come to take charge, until I went to him and asked him what he had come to do. His answer was, "Who are you, sir?" I told him that I was the Master of the ship. He replied, "You are now no more Master of this vessel, and I will thank you to go below, and give no more orders, sir; further, I will not allow you to speak to any of the ship's company. I told him he might as well have behaved as a gentleman, and have come to me and told me what his business was, instead of taking charge without acquainting me with his intention, and before Captain Baldwin had seen my papers. He then ordered me below. About 4 P.M., the island men that were helping to load the ship, came alongside in a boat with some fish, and asked for some meat and bread, as they had had nothing to eat since breakfast. I told my chief officer he might give them some, but that he must first ask the officer in charge of the ship. He did so; and the officer in the first instance said they might have some, but afterwards changed his mind, and with impious imprecations said they should not have a bit. I then said to the officer, "Let us go forward and give them some." He said, "No, you shall not go forward, and they shall not have anything from the ship." I then said, "They shall have something to eat," and was going forward when the officer ordered his men to stop me, and take me below, which they did, the officer at the same time saying, "My fine fellow, if you don't go below, I will very soon put you where the dogs wont bark at you." I had been below about nine or ten minutes, with a sentry over me, when I heard the report of a pistol. I instantly rushed on deck, and was told they had shot the mate. I went to support the mate in my arms. He never moved or spoke. He was shot dead. I said to the officer in charge, "Why have you shot my mate?" His reply was, "It was an accident." I then asked the junior officer, who shot the mate, and why he did it? He said, "Poor fellow, I am sorry for him; but I must obey orders." They then hove up the anchor, and dropped the "Saxon" abreast of Penguin Island.

The "Vanderbilt," at this time was in chase of another vessel that hove in sight. She returned next morning. Captain Baldwin sent for me on board the "Vanderbilt." Upon my going on board, Captain Baldwin addressed me thus:—"You are Captain Sheppard, of the barque 'Saxon'?" "Yes, sir," I replied. "Well, Captain," he continued, "I am very sorry for you, but your papers are not satisfactory to me, and I must make a prize of the 'Saxon,' and send her to the prize authorities at New York. We know that it is the 'Tuscaloosa's' cargo that you have on board. It was brought here by the Confederates, and it is American property. That is the ground upon which I make a prize of your ship. I must do my duty to my country, and protect American property."

The "Vanderbilt" steamed into Penguin Island when I was on board of her, and commenced taking in coals that was on shore there. I told Captain Baldwin, the island was British territory. He replied, "I cannot help it; I want coal, and must have it." Captain Baldwin had a coffin made for Mr. Gray, the chief officer, and he was buried on the mainland on the 31st October, by the "Vanderbilt's" men. They would not allow of any of the ship's company, except myself, to follow him. On the 1st November they landed me and my crew on the mainland, with a little bread and water, not sufficient for one day, and our personal effects.

We walked along the coast to the shore opposite Halifax Island, to which we crossed in a boat. We arrived in the evening. On November 3rd, the schooner "Isabel," of Cape Town, Captain Roe, came in and took us on board. We proceeded to Ichaboe, and then to Hottentots' Bay, where we arrived on 10th November. On November 13th, we went on board the "Lord of the Isles," bound to Table Bay, where we arrived on 21st November.

Inclosure 3 in No. 10.

Statement of the Crew of the "Saxon."

Cape Town, November 23, 1863.

ABOUT 11 A.M. on the 31st October, while lying at anchor at Angra Pequena, we saw a large steamer, which afterwards turned out to be the "Vanderbilt," rounding the point. She dropped anchor, and lowered a boat, which pulled for us and boarded us. The officer, after looking at the ship's papers, said he would take them on board the "Vanderbilt," which he did, after leaving a junior officer in charge, with orders not to allow the anchor to be weighed. Captain Sheppard told him that he was quite ready for sea, and he intended getting under weigh immediately after dinner. The officer said he could not, as he had his papers. Captain Sheppard said, he would go, papers or not. The officer then went on board the "Vanderbilt," but returned almost immediately with another boat's crew, when he took charge.

About this time a whale-boat's crew (belonging to an island called Halifax,) came on board with some fish, when they asked Captain Sheppard for some bread and meat, as they had none in the boat.

The captain asked the American officer, who said that they might have some, but soon afterwards changed his mind, and said they might not. The men then appealed to Captain Sheppard, who said, "Heave it into the boat; if they stop you I can't help it." The American officer then came to Captain Sheppard and touched him on the shoulder, saying, "You had better go aft, you are giving too many orders here;" adding, "if you don't I'll put you where the dogs won't bark at you," laying his hand on his revolver at the same time.

The captain then went aft and was confined to his cabin under a sentry's charge.

A short time afterwards, Mr. James Gray, the chief officer, went aft to go on the poop, but had only got to the top of the ladder, when a junior American officer, a Mr. Donoghoe, told him to go down; Mr. Gray did not go immediately, not exactly knowing what was the matter, when the officer repeated the order, saying, "If you do not, I will shoot you," at the same time shoving him. Mr. Gray's foot caught in one of the steps of the ladder, when he turned half round and looked up in the officer's face, who then drew a revolver and shot him dead. We attempted to go aft to pick up Mr. Gray, when the senior officer told his men to draw swords and drive us forward, which they did, abusing us at the same time. We went aft afterwards and found Captain Sheppard and the second mate supporting the mate's head. The ball had entered behind the left ear and gone down into his body. The officer who shot him said he was sorry for the man, but he should obey orders, adding, "There is some humbug about that boat," meaning the whale-boat, adding that five men came off in her, and seven were going on shore: that they were all "Alabama's" men, and they "ought to go on shore and do for the b——dy lot of them." He then pointed his pistol to the body of Mr. Gray, saying, that is one of the "Alabama's" men too. We were kept below all night, with orders not to come on deck without hailing the sentry, if we did not want to be shot.

They buried the body of Mr. Gray late in the morning opposite Penguin Island. The barque was dropped down where the "Vanderbilt" had been lying (but which was then in chase of a vessel in sight). The "Vanderbilt" came in next morning, and went inside Penguin Island, where she took in a lot of coals that were there, and went to sea next morning. We were landed on Sunday morning, and about a quarter of a bag of bread and a small keg of water. We then walked over the main land to a place opposite Halifax, where the men on the island came for us in a boat.

We stayed two days on the island when the schooner "Isabele" came in and took us down to Ichaboe, where we stayed a few days, when we went to Hottentots' Bay, where we went on board the brig "Lord of the Isles," and came to Cape Town.

No. 11.

Mr. Elliot to Mr. Hammond.—(Received January 30.)

Sir,

Downing Street, January 28, 1864.

I HAVE laid before the Duke of Newcastle your letter of the 21st instant, relative to the capture at Angra Pequena, on the coast of Africa, of the British vessel "Saxon," by the United States' steamer "Vanderbilt," and I am directed by his Grace to transmit to you, for the information of Earl Russell, a copy of a despatch from the Governor of the Cape of Good Hope, containing the particulars which you state in your letter are required by the Law Officers of the Crown.

The Duke of Newcastle never heard until this time of the Act by which Sir George Grey assumed to annex various small islands off the same part of the coast of Africa as the Island of Ichaboe, and so far as at present advised, his Grace is not disposed to confirm the measure. As far as can be judged from the best map in this office, the islands by no means answer to Sir George Grey's description of "a cluster of small islands or rocks adjacent to" Ichaboe, but are situated at various distances from that island, one of them being at least fifty miles off.

I am, &c.

(Signed) T. FREDK. ELLIOT.

Inclosure 1 in 11.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, December 18, 1863.

BY my despatch of the 20th ultimo I reported to your Grace that news had been received here of certain acts said to have been done by the United States' war steamer "Vanderbilt," on the coast to the northward of this colony, of which, at the time, I was unable to furnish any particulars; but I believe I am now in a position to transmit such information as will enable Her Majesty's Government to determine what course it will be expedient for them to pursue.

It will be seen that the "Vanderbilt," on her arrival at Angra Pequena, a small bay on the west coast of Africa, beyond the limits of this colony, found lying at anchor a vessel named the "Saxon," the property of a mercantile firm in Cape Town, of which she immediately took possession, on the plea that she was laden with the cargo of the "Tuscaloosa," a Federal merchant ship which had been taken by the "Alabama," and converted into a privateer. That the "Vanderbilt" then proceeded to take possession of a quantity of coals belonging to the owners of the "Saxon," which had been deposited on Penguin Island, a small island in the Bay of Angra Pequena; that she has sent the "Saxon" with her cargo, in charge of a prize crew for the adjudication of a court of competent jurisdiction in the United States; and that before the departure of the "Saxon" her chief officer was shot by one of the officers of the "Vanderbilt."

There are, therefore, three separate transactions on which it becomes necessary for me to furnish information, viz.,—the seizure of the ship, the appropriation of the coals, and the death of the mate.

An impression generally prevailed there that Penguin Island, near which the "Saxon," was anchored was British territory, and that, consequently, the seizure of that vessel in such a locality was a direct infringement of British rights. But upon inquiry, I have discovered that such is not the case. On the 13th April, 1861, your Grace communicated to my predecessor, that Her Majesty's Government had decided on the annexation to the Cape Colony of the Island of Ichaboe, which was duly carried out. Subsequently some merchants of this town interested in the guano trade, brought under the notice of Sir George Grey the case of certain small islands adjacent to Ichaboe; and the result was that, on the 12th August, 1861, he published a proclamation for bringing under the dominion of Her Majesty, Penguin Island, and ten others, "subject to Her Majesty's gracious confirmation and disallowance." Immediately after this had been done, Sir George Grey sailed for New Zealand; and there is no record of the proclamation having been reported to your Grace, or of the annexation having been confirmed by Her Majesty. Upon the score of territorial rights, therefore, as arising out of the vicinity of this island, I conceive no objection can be taken to the acts of the "Vanderbilt." In other respects the capture of the "Saxon" may fairly be left to the adjudication of a court of law. One of the owners of the ship has admitted to me without reserve that the cargo on board at the time of the seizure was a part of that landed from the "Tuscaloosa," and was intended to be conveyed to a market as the property of, and on account of, Captain Semmes, of the "Alabama."

The same gentleman informed me he had been in communication with the United States Consul respecting the appropriation of the coals; and he had little doubt that officer would obtain the authority of his Government to pay for them. The Consul has since expressed himself to the same effect to me.

The death of the mate of the "Saxon" involves considerations of a far more serious nature. The depositions taken by the Acting Attorney-General go to show that when the crew of the "Saxon" were entirely without arms, and apparently without either the means or the wish to offer any resistance to their captors, this unfortunate man was, on little or no provocation, shot dead by one of the officers in command. Whether the act was the result of wanton ferocity, or whether it was perpetrated under the influence of unfounded apprehension, it seems hard to say. But it is very satisfactory to find, from the evidence of the Master of the "Saxon," that the Captain of the "Vanderbilt" was much displeased at what had occurred, and had at once placed the officer under arrest. I cannot but hope that under such circumstances the Government of the United States will be prepared cheerfully to grant such reparation as Her Majesty's Government may consider the case to require; and I beg to recommend to your Grace's most favourable consideration an application which has been made to me by Messrs. W. Sampson and Son, as the agents of the widow of the deceased James Gray.

I have, &c.

(Signed) P. E. WODEHOUSE.

Inclosure 2 in No. 11.

Proclamation.

PROCLAMATION by his Excellency SIR GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa, and of the Territories and Dependencies thereof, and Vice-Admiral of the same, and Her Majesty's High Commissioner, &c., &c., &c.

Whereas, the Island of Ichaboe was, on the 21st day of June last past, taken possession of for and in the name of Her Britannic Majesty Queen Victoria, and declared a dependency of the Cape of Good Hope: And whereas it is expedient that, subject to the pleasure of Her Majesty in that behalf, Her dominion shall also be declared over a cluster of small Islands or Rocks adjacent to the said Island of Ichaboe, now therefore, I do hereby proclaim, declare, and make known, that the sovereignty and dominion of Her said Britannic Majesty, Queen Victoria, shall be, and the same are hereby declared over the following Islands or Rocks adjacent to Ichaboe, that is to say, Hollamsbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax, Possession, Albatross Rock, Pomona, Plumpudding, and Roastbeef, or Sinclair's Island. This Proclamation of Her Majesty's sovereignty and dominion to take effect forthwith, but to be subject to Her Majesty's gracious confirmation and disallowance.

GOD SAVE THE QUEEN!

Given under the Public Seal of the Settlement of the Cape of Good Hope, this 12th day of August, 1861.

G. GREY, *Governor.*

By command of His Excellency the Governor,

RICHARD SOUTHEY,
Acting Colonial Secretary.

No. 53, 1861.

Inclosure 3 in No. 11.

Mr. Denysen to Sir P. E. Wodehouse.

(Extract.)

Attorney-General's Office, December 12, 1863.

I HAVE the honour to submit for the consideration of his Excellency the Governor the following depositions taken by the Acting Clerk of the Peace of certain proceedings near to and in Table Bay, Saldanha Bay, and Angra Pequena, and in which certain of the cruisers of the Federal and Confederate States of America, and other vessels were concerned. The depositions are numbered 1 to 5.

The dates in these papers do not always correspond, nor are they given in certain cases with any accuracy, but they are unimportant, and may be collected from the proceedings with sufficient certainty for all purposes required.

Amongst the papers will be found an extract of the log of the schooner "Atlas," Thomas Boyce, Commander; but I must remark respecting it, that it does not contain that portion which refers to the assistance rendered to the "Saxon," on finding her in Angra Pequena, of which the particulars were entered, and of which I requested an extract: the omission, however, has been remedied by the evidence of Captain Boyce.

The enquiry respecting the shooting and death of Mr. Gray, of the "Saxon," is fully gone into; the circumstances did not warrant such a proceeding, judging from the evidence taken, and which I have no reason to doubt. In this opinion Captain Baldwin evidently concurred, as he expressed his regret about it.

Inclosure 4 in No. 11.

Deposition of G. Riley.

GEORGE RILEY states:—

August 22, 1863.

I am a fisherman. About three weeks ago I started on a fishing excursion down the coast to Saldanha Bay, and while pursuing my avocation there on Monday last, the 17th August, I saw two barks enter the Bay. One was the "Sea Bride," heavily laden,

and the other, the privateer "Tuscaloosa," came in about sundown. I saw lots of people going off to them—farmers and country people. The "Cock of the Walk" came in there about sundown on Tuesday. Early next morning I looked out for the barks, but they were gone. I was astonished at this, because it was a dead calm through the night, and it continued so all day. The "Cock of the Walk" was still there. I could not have got out that night by sail, I am sure. I might have pulled out.

On Thursday morning I left in company with the "Cock of the Walk," and on leaving we met a large steamer entering the Bay. It was a paddle-wheel steamer under British colours. I saw nothing of the "Alabama;" but about twenty days before I saw a vessel there, which I afterwards learnt was the Alabama," but she was not there on this occasion.

(Signed) GEORGE RILEY.

Witness :

(Signed) W. H. SCOTT.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Inclosure 5 in No. 11.

*Statements of James Roper, Augustus Knight, Louisa Johnson, Gabriel Antonio,
William Henry Scott, Thomas Armson, and Joseph Wilson.*

JAMES ROPER states :—

Cape Town, August 22, 1863.

I was navigator on board the "Kadée" cargo boat, which was formerly called the "Cock of the Walk," on her late trip to "Saldanha" Bay. I was engaged for service by Mr. Sarey the owner, we were to go there for a cargo of shells. We left the South Wharf about ten o'clock on Saturday night. There were three men belonging to the boat besides myself. We ran off to the bark "Ellesmere," where we took on board five men, and then proceeded on the voyage. Captains Clarke and Johnson were not on board the boat.

We came to an anchor outside the shipping, as there was no wind to take us out.

On Sunday morning we weighed anchor, and tacked about all day, but could not get out.

When I awoke on Sunday morning, I saw Captain Johnson and another man, a short thick-set man. I don't know if it was Capt. Clarke, because I don't know him. I heard they had been taken on board during the night. I saw the "Lord of the Isles" going out on Sunday. We had no communication with her, and we were not at any time within three miles of her. We anchored in Commandant Bay, Rabben Island, that night. On Monday morning we got under weigh—the wind was westerly, but light, and we proceeded. Monday night was calm, and we lay off Saldanha Bay. Tuesday morning was calm; noon, light breeze from S. W. About 4.30 p.m. we came to anchor in Hatjes Bay, which is the northern arm of Saldanha Bay. We saw there two barks at anchor, with sails set, about three-quarters of a mile from us. At dusk a boat came alongside us from one of the barks, and took off the men we had taken on board. I don't know what vessels they were, they had no colors flying, but I supposed they were privateers. Next morning, at day light, when I turned out, they were both under weigh, and stood out to the S. W. The wind was off the land, easterly. We remained where we were all day; I was ashore, but saw no strangers there. On Thursday morning we weighed anchor to return to Cape Town; on coming out we met the "Valorous" going in, about a mile apart.

She did not speak to us.

We continued our passage, and arrived in Table Bay about ten o'clock the same night (Thursday).

I did not see the "Alabama," "Georgia," or "Florida," during the cruise or any other vessel besides those I have mentioned. The people who came to take the men were dressed in plain clothes, and had no uniform, nor were they armed.

The men seemed quite willing when we took them from the "Ellesmere."

(Signed) JAMES ROPER.

Witness :

(Signed) W. H. SCOTT.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Sir, *Water Police Office, Cape Town, August 18, 1863.*

I HAVE the honour to report that I have boarded the bark "Ellesmere" according to your instructions, and found the following seamen on board:—Richard Harper, mate; Wallace Damouth, labourer; Gabrel Antonia, seaman; John Trent, seaman.

The chief officer, when questioned where the remainder of the crew were, reported that they had deserted on Saturday night last the 15th instant.

The following are the names of the seamen that are absent according to shipping book:—Manuel Pereira, Andrew Gregory, Thomas Juellson, Daniel Johnson. I also beg to state that no information has been given at the Water Police Office, according to custom, and I have seen the master daily.

I have, &c.

(Signed)

W. H. SCOTT.

AUGUSTUS KNIGHT, sailor, states:—

Yesterday afternoon I met Gabriel Antonia, a seaman on board the "Ellesmere," who told me, in course of conversation, that he had leave ashore from Saturday to Monday; that when he left on Saturday there were five seamen and the cook still on board, and that when he returned on Monday morning they were all gone; he told me that the captain had informed him that he had put the men on board the "Alabama;" I know the three missing crew, one named Jackson, a shipmate with me in the "Waldensian," he is an elderly man, and was cast ashore here at the wreck of the "A. H. Stevens;" Jim Grey, another, also on board the "Waldensian" since I left; and another, Jackson, formerly of the "Wave Spirit."

(Signed)

Mark of AUGUSTUS + KNIGHT.

Witness:

(Signed)

J. W. H. RUSSOURR.

Before me

(Signed)

R. JOHNSON DUTTON,

Acting Clerk of the Peace.

LOUISA JOHNSON states:—

My husband was a seaman on board the bark "Ellesmere," he signed the articles of the ship at the shipping office on or about the 1st of this month at wages of £2. 10s. per month, and went on board; I saw him last on Tuesday the 11th. Yesterday a man named Augustus Knight came to me and informed me that a sailor from the vessel had told him my husband had gone away—left the ship at midnight and gone to sea. Yesterday afternoon I went to the captain to ask him about the truth of this story, when he told me not to fret about it, that my husband was gone to another ship, where he would have £5. a month, and he would get so rich, that when he came back I might live like a lady; he afterwards told me my husband deserted, and that if I came back again he would give me a letter from my husband.

(Signed)

Mark of LOUISA + JOHNSON.

Witness:

(Signed)

J. H. H. RUSSOURR.

Before me

(Signed)

R. JOHNSON DUTTON,

Acting Clerk of the Peace.

GABRIEL ANTONIA states:—

I am an ordinary seaman on board the "Ellesmere," now lying in Table Bay. My child died last week, and I obtained three days leave to come on shore. I returned on Monday morning, when I found that all the chaps had gone. I saw a countryman of mine here, named John Franks, and asked him what had become of the chaps. He replied that he did not know; but he afterwards told me they had gone to a ship on the leeward side—he thought it was the "Alabama," and that they were to have £4 a month. Before this I had seen the mate, and he said to one, "You have missed a fine chance,

here the chaps have gone away and got £6 a month ;" but John Franks said that only the cook was to have £6 a month. They did not tell me what ship they had engaged in, but they told me that the men had gone away in a boat, in the middle of the night, on Saturday. Their things have all been taken away from the ship. John Franks told me he thought they had gone to the "Sea Bride," the "Alabama's" prize, outside.

(Signed) Mark of GABRIEL + ANTONIO.

Witness :

(Signed) W. H. SCOTT.

Before me

(Signed)

R. JOHNSON DUTTON,

Acting Clerk of the Peace.

WILLIAM HENRY SCOTT, Boat Office, Water Police, states :—

At three o'clock in the afternoon of yesterday (Tuesday, 18th August), I received a list of the names of the seamen who had shipped on board the bark "Ellesmere," from the Shipping Master, with instructions to proceed on board to ascertain the number and names of seamen then on board, which I ascertained to be as follows :—Richard Harper, mate; Gabriel Antonio, seaman; John Franks, seaman; Wallace Damouth, labourer. The latter, who I found to be one of the late crew of the "Sea Bride," had only been engaged the previous day. I then questioned the mate as to the whereabouts of the remainder of the crew, who replied that they had deserted on Saturday night. Their names, viz.:—Manuel Pereiro, Henry Gregory, Thomas Grianes, Lewis Jackson, Daniel Johnson. I have searched the vessel to-day, and find that all these men's effects have been removed. I had never received notice, as is usual, of any of these men having deserted.

(Signed) W. H. SCOTT.

Witness :

(Signed) J. A. B. FLACK.

Before me

(Signed)

R. JOHNSON DUTTON,

Acting Clerk of the Peace.

My dear Dutton,

Cape Town, August 18, 1863.

Thomas Armson, the master of the "Ellesmere," will hand this to you; he has told me the truth to the fact that they were persuaded to go in a shore boat to Saldanha Bay, and there join the "Sea Bride." The act of the Master is an illegal one, and comes under the spirit of the 207 section M. S. Act 54, par. (4), which see. What is to become of these men? the contract cannot be severed without the sanction of the Shipping Master.

I inclose you a letter, put into my hands, from Daniel Johnson, one of the missing men, to his wife, whom I sent to you under charge of Scott of the Water Police.

Yours faithfully, (Signed) THOMAS TINLEY.

My dear Wife,

August 15, 1863.

I taking a pleasure of writing this few lines to you for to let you know that I am going away, but I do not know; but I am going away on board a ship that I do not know, but I will let you know the first port were we shall run in. My dear wife, be happy that I will come back again to Cape Town, but mind your lines, and my friend James, he sign the same, so we send our best complements to every body in Cape Town.

THOMAS ARMSON, Master of the Bark "Ellesmere," states :—

THE bark "Ellesmere," which I command, is the property of Mrs. Alfred Marcus. I say so because she is registered in her name. On Monday, the 3rd August, I shipped a crew before the Shipping Master at the Sailors' Home, consisting of 6 able bodied seamen and cook, which last also performs the duties of steward; I had a mate already on board.

On Saturday morning last Captain Elmstone, of the firm of Rubent, Granger, and Co., asked me if I would allow my crew to go off to take charge of the Confederate prize "Sea Bride," if they could be induced to go, and I acquiesced.

I went aft and asked the men if they would go, I told them they would be required to go off that night, that they should have 4*l.* a month's wages (I engaged them at 2*l.* 10*s.* only), and if they were not satisfied when on board they should be discharged at the first port the vessel might call at and forwarded to the Cape.

They agreed to the terms and seemed quite satisfied to go. They left the ship about midnight on Saturday, the 15th. They were 5 in number, viz.—

Manuel Periero, cook; Thomas Grianes, seaman; Louis Jackson, ditto; Daniel Johnson, ditto; Andrew Gregory, ditto. They took all their effects with them.

(Further evidence of this witness stayed by order of the Attorney-General.)

(Signed)

R. JOHNSON DUTTON.

Acting Clerk of the Peace.

Cape Town, August 22, 1863.

JOSEPH WILSON, Coxswain of the Cargo Boat, "Cock of the Walk," states:—

On Saturday last, the 15th August, Mr. Sarey, by whom I am employed, told me he wanted me to go that evening to the bark "Ellesmere," and thence to Saldanha Bay. About seven or eight o'clock that evening we cast off from the wharf and went alongside the "Ellesmere," and took four men from her, they were all black men, I think they were West Indians. We took a bag of bread and the men's effects also; she then moved out, but afterwards brought up under the island on this side.

We had also another person on board, he belongs to the Volunteer Artillery, and I think his name is Clarke, he is a short thick set man; also Mr. Johnson, late Captain of the "Albatross."

On Sunday morning we again got under weigh, and tacked about all day without being able to get out, and came that night under the island. I saw the "Lord of the Isles" going out on Sunday, we were close to her, but I can positively assert that we held no communication with her.

On Monday morning a S.W. wind sprung up, and although not a favourable breeze we got out with it, and continued our course towards Saldanha Bay. We had very heavy weather; I have been a boatman here for about twelve years, but I have never seen such a heavy swell as we experienced on our way down. We arrived off the Bay about four o'clock in the afternoon of Tuesday. We went into the Bay. The "Sea Bride" was there, just at the mouth of the Bay, but the swell afterwards took her, and the prize master (an officer of the "Alabama") then boarded us and took off Mr. Clarke, Mr. Johnson, and the four men from the "Ellesmere," there may have been five men from the "Ellesmere," I did not take particular notice of it, and they kept themselves very scarce on board the boat.

The "Alabama" was not there, nor did I see her anywhere during the cruise. I saw a bark standing off and on outside, but I cannot say whether it was the "Tuscaloosa."

I saw no other vessel besides these and a couple of cutters coming down the coast, with the exception of the English Man of War, which we met entering the bay just as we were coming out. This was about half-past ten o'clock yesterday (Thursday) morning: we passed her close to, but she did not hail us in any way.

I was on shore at Saldanha Bay on Wednesday for about ten minutes, and again yesterday morning for a short time, but I did not see any strangers there.

The vessel I call the English Man of War had two funnels painted yellow and was bark rigged, and seemed to be coming from the Cape. When the men went on board the "Sea Bride," that vessel held on until the next morning, when she put out to sea and stood to the westward, until we lost sight of her.

The "Sea Bride" was between two and two and a half miles from the Heads when the men were taken on board. When I say the swell took her into the bay, I mean that it fell calm, and that she steered for the passage to avoid going on the rocks.

(Signed)

JOSEPH WILSON.

Before me

(Signed)

R. JOHNSON DUTTON,

Acting Clerk of the Peace.

Inclosure 5 in No. 11.

Deposition of Captain Boyce, of the Schooner "Atlas."

Cape Town, November 14, 1863.

I LEFT Table Bay on the 13th August, with a crew consisting of nine men, including myself, all the men of the former and previous voyages. Arrived at Pomona Island on the 20th same month, where we anchored. Left the vessel on the 22nd in a whale boat to Halifax, leaving the vessel in charge of the first mate, Matley. Joined the vessel again at Angra Pequena on the 27th August. At Pomona, or rather on the mainland, left certain articles for the use of Captain Sinclair and his party, working at a copper mine. There was nothing taken on board before joining the vessel at Angra Pequena. From the last-mentioned place I took the vessel to Halifax, where I loaded a cargo of guano. At Angra Pequena there was no other European than Captain Bruce, who is a trader in the Interior. I took a wooden house down to Angra Pequena for Bruce, but had no time to put it up, and when I left it was still lying on the beach. At Halifax I took in a cargo of guano for the first vessel to be chartered to carry guano away from the island, large vessels not being able to get near Halifax, this mode of loading being adopted by means of small boats. The "Earl of Mar and Kelly" arrived at Angra Pequena on the 12th September, when we put on board the guano I had in the "Atlas," and then proceeded with her to Ichaboe, and finally filled the vessel, the "Earl of Mar and Kelly," at the Island of Mercury, on the 22nd October. She then proceeded on her voyage to Leith, and I made the best of my way back, calling at the different islands, and at Angra Pequena, which last-mentioned place Bruce had left, and found no other European on the mainland. On my way back, on the 29th October (having left Pomona on the 28th), I was boarded by the "Vanderbilt," United States steamer. Besides my own crew I had then on board Mr. Goodman and six others, *five* being miners, and the other the man in charge of the Ichaboe Island. The miners are all discharged, and the other returns with me to Ichaboe.

An officer of the steamer came on board. He called me by name, as Captain Boyce, and demanded by papers. I gave them up, and he thoroughly examined them. He then asked me what I had done with the cargo, according to the Manifest and Store List, from the Custom House, Cape Town. I told him that the cargo had been delivered to the parties to whom the same was consigned. He then left the cabin and went down the hold; I accompanied him. He looked about, came on deck, and demanded my log-book, which I produced, and which was examined by him. He then asked me about the vessels on the coast, about the "Isabel" and "Alethia"—the latter taking in a cargo of guano at Ichaboe, by means of the "Isabel"—and he then left the vessel. Before doing so, however, he asked about some coals at Penguin Island, one of the islands in Angra Pequena, when I told him that I had seen some coals. During all the time the officer was on board, I never lost sight of him, to the best of my belief—at all events, I am certain that no other party could have spoken to him without my knowledge. I am quite certain that no person on board did or could have produced or read to him any other paper or document than produced by me, and which were the ship's papers. While in the cabin a conversation may have taken place with the boat's crew, of which I know nothing. I don't think any of the boat's crew came on board; but of that I am not certain, as it may have happened while I was below with the officer.

Oh my way back I found the barque "Saxon" at Angra Pequena, on the 27th October. I supplied her with one barrel of pork, and one of beef, and also gave her three men, George Fuller Martin, and Daniel Hunter, and Oloff Larken, to assist in anything he might have to do. I am not aware what the "Saxon" was doing at Angra Pequena, nor do I know how long she had been there. I did not go on shore, and the first time I went on shore I did not see any stores or other goods excepting what I brought for Captain Bruce, either on the beach, or at any other place near it.

None of my papers were taken away, nor did the officer sign the same, as is usual in such cases. Being ignorant how to act on such occasions, I did not protest against these proceedings, as I should have done.

(Signed) THOMAS BOYCE.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Inclosure 6 in No. 11.

*Extract from the Log Book of the "Atlas."**Tuesday, October 27, 1863.*

Halifax Island. At 6 P.M. got under weigh for Possession, with a light breeze from the northward; fresh breeze from the northward during the night.

Wednesday, 28th.

First part, strong breeze from the northward; at 1 A.M. came to an anchor at Possession; at daylight took on board 12 casks water and 1 keg peas for Pomona; at 7 A.M. got under weigh for Pomona; at 10 A.M. came to an anchor, started to land stores and water on the main, landed 10 casks water, 6 bags bread, 2 do. flour, 1 do. rice, 1 do. sugar, 1 case gin, 13 bags coals, 1 barrel flour, 1 cask cabin bread, 1 barrel pork, 1 do. molasses, 1 keg peas, 1 box candles, 1 stinkwood plank, 1 box raisins, 5 boxes tea; at 3 P.M. got under weigh for Cape, with a fresh breeze from the northward; at 5 P.M. sighted a barque to the N. W., about 10 miles off; at 8 P.M. strong breeze from the northward, took off at Pomona, Mr. Goodman and 5 navvies; strong breeze, with rain, throughout the night.

Thursday, 29th.

Strong breeze from the northward, with rain. At 7 A.M. took in the square sail, set the fore-stay sail; at 8 A.M. sail to the eastward, hoisted signals for us to heave too; at 9 A.M. hove too till the sail came up, and was boarded by an officer from the U. S. steamer "Vanderbilt;" light breeze throughout the latter part of the day. Lat., by account, 29.28, long. 16.15 E. at 4 P.M.

Friday, 30th.

Weather fine throughout the day; lat., at noon, 30.20 S., long. 16.10. At 4 P.M. sighted the land; at 6 P.M. put about ship, stood out.

Saturday, 31st.

Weather fine throughout the day; lat., at noon, 30.50 S., long. 16.19 E.; land in sight. At 9 P.M. put about ship, stood off.

Sunday, November 1st.

Fresh breeze throughout the day. At noon, the lat., by obs., 31.42 S., long., by chro., 16.08 E. Tacked ship occasionally.

Monday, 2nd.

Strong breeze from the southward throughout the night. Lat., at noon, 32.50 S.; long. 16.3. Weather fine throughout the day; at 4 P.M. put about ship, Table Bay bearing S. E. by S., distance 150 miles. At 4 P.M. the long., by chronometer, 15.49 E., lat. 32.54 S. At 4 P.M. put about ship; fresh breeze throughout the night.

Tuesday, 3rd.

Weather fine throughout the day; at daylight, sent the bonnet of the gib for repairs; at noon, sent it out again. Lat., at 4.30 P.M., 33.23 S.; long., by chronometer, 17.54 E.

Wednesday, 4th.

Weather fine, with a light breeze from the northward; at 5 A.M. made the land out, Table Mountain bearing S. E. At 11 A.M. came to an anchor in Table Bay.

(Signed) THOS. BOYCE.

Inclosure 7 in No. 11.

*Deposition of James Adams.**Cape Town, November 14, 1863.*

JAMES ADAMS, formerly a sailor on board the "Alabama," states:

I left the "Alabama," ran away at Angra Pequena, and came up in the "Flower of Yarrow." The "Alabama," "Tuscaloosa," and "Sea Bride" were there at the time. The "Tuscaloosa" landed her cargo of wool and green hides there. The "Sea Bride" transhipped part of her cargo to the "Isabel," belonging to Granger. The "Isabel's" boats conveyed the cargo from the "Sea Bride" to her. There was another vessel there, the "Earl of Mar and Kelly," bound to Aberdeen, and she took off a lot of cargo from the "Tuscaloosa." The "Atlas" was there at the time. I am sure the "Atlas" was there, and Tom Boyes was her commander, and it was he and his crew who landed the "Tuscaloosa's" cargo, and I assisted him in doing so. The remainder of the cargo of the "Tuscaloosa" was at Angra Pequena on the main land when I left in the "Flower of Yarrow" for Cape Town. While the "Sea Bride" was there they cut her royal mast short, and altered her in other ways and disguised her, and then called her

the "Helen" of Hamburg. The "Flower of Yarrow" took in a part of the "Sea Bride's" cargo, namely, some hops and tobacco, and she (the "Sea Bride") left some time before we did; I was told for Mauritius. Boyes took out the coals, about 250 tons, from the "Earl of Mar and Kelly," and landed them on Penguin Island, and he left for Ichaboe before I left for Cape Town.

There was a brig there also, while I was there, also bound to Aberdeen; she was loaded up at Ichaboe, and I assisted to load her. Her cargo was guano and nothing else. The "Saxon" was not there while I remained. The "Sea Bride" did not take any guano. I was working on board the "Isabel" for about a fortnight, and I went from Angra to Ichaboe with her and then joined the "Flower of Yarrow" at Ichaboe, and we took the portion of the "Sea Bride's" cargo we had on board from the "Isabel" at that place. I understood that Bruce was to get part of the "Sea Bride's" cargo for his assistance. Bruce goes up country trading. The "Earl of Mar and Kelly" also took in some guano on top of the wool—she filled up with guano. When we left the "Atlas" people were still loading her.

I reported what I have now stated to the American Consul before the arrival of the "Atlas" in Table Bay. The "Vanderbilt" had also left before the "Atlas" arrived.

I was formerly a seaman on board the "Conrad," now the "Tuscaloosa." The "Sea Bride" was at Angra about ten days, and the "Tuscaloosa" rather more than a fortnight. I saw Captain Elmstone on board the "Tuscaloosa," he used to come on board there from the "Sea Bride" to dine with the Captain. Captain Low, an officer of the "Alabama," was in command of the "Tuscaloosa," and left with her before I did.

(Signed)

Mark of JAMES + ADAMS.

Before me

(Signed)

R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Inclosure 8 in No. 11.

Messrs. Sampson and Son to Mr. Rawson.

3, Adderley Chambers, Cape Town,
December 16, 1863.

Sir,

AS the duly qualified agents of Mrs. Mary Jane Gray, widow of Mr. James Gray, late a mate on board the bark "Saxon," of this port, who was murdered on board the said vessel on board the said vessel, on the 30th day of October last, by an officer of the United States war steamer "Vanderbilt," we beg to bring to the notice of His Excellency the Governor the circumstances connected with the murder of the deceased, and other particulars bearing on the case, and have to request that His Excellency may be pleased to forward this statement to the Right Honorable the Secretary of State, with a request that, if in accordance with international law, and the rights of neutral powers, His Grace may demand, on the part of the British Government, compensation, or recompense from the United States Government for the loss sustained by the said Mrs. Mary Jane Gray, by the murder of her husband by an officer in the Naval Service of the United States Government as aforesaid.

We take the liberty of briefly stating the facts, which will be borne out by the documents hereafter referred to, and herewith enclosed.

Mr. James Gray signed articles in the month of August last, to proceed in the bark "Saxon" in the capacity of mate, on a voyage from Table Bay to Ascension, thence to Rio, and, or any port or ports in the South Atlantic, as employment offers, for a term not exceeding six months; final port of discharge to be Table Bay.

On the 2nd day of September last the "Saxon" weighed anchor in Table Bay, and proceeded on her voyage, taking a cargo of cattle for Ascension, where she arrived on the 17th day of September last, and after delivery of her cargo there, sailed in ballast for Angra Pequena, the master having received orders from his owners to proceed thither. The "Saxon" arrived at Angra Pequena on the 16th day of October last, and, after lying there eleven days, the master received orders from his owners to take on board the "Saxon" certain cargo lying on the beach at Angra Pequena, consisting of skins and wool. This being done, the "Saxon" was ready for sea on the 30th day of October last, and bound to Falmouth for orders. While preparing for sea, the master of the "Saxon" observed a steamer anchored abreast of Penguin Island. This subsequently proved to be the United States war steamer "Vanderbilt." The "Saxon" was at this time lying about a mile and a half from Penguin Island in British waters. At 1.30 p.m. on the same day, an armed boat's crew from the United States steamer "Vanderbilt," boarded the bark "Saxon," asked for the ship's papers,

received them, and took them on board the steamer "Vanderbilt." Subsequently other boats were sent from the steamer "Vanderbilt" to the "Saxon," and placing armed men on the deck of the "Saxon," the officer commanding the boarding party, drove the crew of the "Saxon" down below, and formally took the "Saxon" a prize to the United States' war steamer, "Vanderbilt."

From the evidence of these transactions, as detailed by the master and three of the crew of the bark "Saxon" before a Court of Inquiry, held before the Resident Magistrate of Cape Town, by order of His Excellency, it will appear, that while the men of the steamer "Vanderbilt" were on board the "Saxon," the mate of the "Saxon"—James Gray—was at one time standing on the ladder, an officer of the United States' war steamer, "Vanderbilt"—a Mr. Donaghan—being immediately above him, on the poop; and on the deck, a few feet below, about a dozen of the "Vanderbilt's" men were stationed. The officer, Mr. Donaghan, appears to have called out to the mate of the "Saxon," James Gray, to go down from the ladder, and on his not appearing to obey, repeated the order, at the same time pushing Gray on the right shoulder with his left hand. Gray, trying to recover himself, turned half round, and looked at the officer, as if to enquire what he had done, whereupon the American officer, Mr. Donaghan, drew his revolver, and shot Gray dead.

The evidence in support of the murder herewith accompanying, will, we conceive, be deemed conclusive. No opposition or resistance of any kind appears to have been made by the deceased mate, Mr. Gray, to warrant this act on the part of Mr. Donaghan. It can, we respectfully submit, be considered in no other light but as a deliberate, cold-blooded murder, and we entertain the hope that Her Majesty's Government, with that high regard for right and justice which has always characterized the relations of England with Foreign nations, will, in its wisdom, enforce upon the United States Government the necessity of making provision for the widow of James Gray aforesaid, left as she is, perfectly destitute, with four young children, in consequence of the murderous act of the aforesaid Mr. Donaghan, an officer of the United States Navy.

With regard to the deceased, we beg to state that he was born on the 28th day of May, 1829, at Aberdeen, the son of Alexander Gray, of the firm of Messrs Watkins and Gray, of Aberdeen, Rope Makers. He was a Passed Master on the 22nd day of February, 1853, and held a certificate as such. He commanded the brig "Wanderer," on this coast, for eighteen months, in the years 1855 and 1856, and was employed in the Cape trade for the last eight years. He married Mary Jane Crampton, daughter of Thomas Crampton, of the county of Kildare, Ireland, on the 28th day of July, 1856, by whom he had four children, all of whom survive, their ages being six and a quarter, four and a half, two and a half years, and one month respectively.

In proof of the matters aforesaid, we beg to forward the following documents herewith annexed, viz.:

A. General power of attorney from Mrs. Mary Jane Gray, authorising us to act on her behalf.

B. Certificate from the Registrar of Shipping at Cape Town shewing the bark "Saxon" to be registered at this port.

C. Certificate of the shipping master at Cape Town, showing the nature of the voyage, and articles of agreement signed by the crew of the bark "Saxon" when the vessel left this port in September last.

D. Certificate from the Clerk of the Peace at Cape Town of evidence taken before the resident magistrate at Cape Town, touching the murder of the mate of the "Saxon," the aforesaid James Gray.

E. Notarial certificate and copy of the master's certificate held by the deceased James Gray.

F. Notarial copy of certificate of James Murison, owner of the schooner "Wanderer," of the said James Gray having commanded the said vessel in the years 1855 and 1856.

G. Certificate of marriage from the Rev. Geo. Morgan, Presbyterian Minister at Cape Town, of the marriage of James Gray with Mary Jane Crampton.

H. Notarial certificate of affidavit made by Mary Jane Gray, widow of James Gray, before William Sampson, Justice of the Peace for Cape Town, that the four children of the said James Gray being alive at this date.

We beg to apologize for not having forwarded this application earlier, but were prevented doing so by the difficulty in getting the documents from the various offices.

We have, &c.

(Signed)

W. SAMPSON & SON.

Inclosure 9 in No. 11.

GENERAL POWER OF ATTORNEY.

KNOW all men whom it may concern, that I, the undersigned, Mary Jane Gray, widow of the late James Gray, of Cape Town, do hereby ordain, nominate, and appoint William Patrick Sampson and William Byron Sampson, trading under the style or firm of W. Sampson & Son, to be my true and lawful attorneys and agents, with full power and authority, for me and in my name, and for my account and benefit, to ask, demand, sue for, and recover, of and from all person or persons whomsoever, all such sum or sums of money, which now are, or shall or may, at any time hereafter, become due, owing, payable, or belonging to me, upon and by virtue of any notes, bonds, bills, bookdebts, deeds, or other securities whatsoever;—also for me and in my name, to settle and adjust accounts, as they shall think fit and proper, and, if necessary, to compound for the same and accept a part of the whole; also, to submit any matters in dispute to arbitration, and to sign, seal, and deliver the necessary acts for that purpose; also, to let or hire out houses, to collect and receive rents, and grant receipts for the same, and in default of payment or delivery, to use and take all lawful ways and means for the recovery thereof, by attachment, ejectment, or otherwise; also, if necessary, for me and in my name, to commence, prosecute, or defend any action or actions, suit or suits at law or in equity, in any of the courts of this settlement, and the same at pleasure to relinquish; also to draw, accept, or endorse bills of exchange or promissory notes, in satisfaction or on account of any debt or claim due or payable to or by me; and further, to buy and sell immovable or landed property; to make, sign, give, and receive, in due and customary form, all acts or deeds of transfer of such landed property; also to appear at the office of the collector of tithes and transfer dues, and then and there in my stead to take and subscribe the necessary oath as to the truth of the purchase amount; further, for me and on my behalf, to take or give money on mortgage of immovable property, and to appear before the registrar of deeds, and make, pass, give, or receive all such mortgage bonds or other securities, as may be requisite or necessary, under obligation of my person and property of every description; and also, in my name, to enter into securities of what nature or kind soever; and, generally, for me and in my name, to choose *domicilium citandi et executandi*; to manage and transact all my affairs in this colony, and perform all such acts, matters, and things; to make, sign, seal, and deliver all such deeds or instruments as may be necessary or most for my advantage, and use all lawful means and ways thereto, as fully and effectually, to all intents and purposes, as I might or could do if personally present and acting herein; hereby granting to my said attorneys and agents full power and authority to substitute or appoint one or more attorney or attorneys under them, and the same at pleasure to displace or remove, and appoint another or others; hereby ratifying, allowing and confirming, and promising at all times to ratify, allow, and confirm, all and whatsoever my said attorneys, their substitute or substitutes, shall lawfully do, or cause to be done, in or about the premises, by virtue of these presents.

In witness whereof, I have hereunto set my hand and seal, at Cape Town, this 26th day of November, in the year of our Lord 1863.

MARY JANE GRAY.

As witnesses.

H. G. GLYNK.

J. CRAMPTON.

Inclosure 10 in No. 11.

REGISTER.

I, THE undersigned Registrar of the Port of Cape Town, hereby certify that the "Saxon" (215-69 tons); official number 37,024; Port number 1, was on the 9th day of February, 1863, duly registered at this Port in the name of William James Anderson.

Given under my hand, at Cape Town, Cape of Good Hope, this 15th day of December, 1863.

J. T. FISH. *Registrar.*

Inclosure 11 in No. 11.

ARTICLES OF AGREEMENT.

I CERTIFY that that the terms of the Articles of Agreement, signed by the crew of the British barque "Saxon," of Cape Town, 215 tons, commanded by Stephen Shephard, run thus: from Table Bay to Ascension, from thence to Rio, and, for any Port or Ports in the South Atlantic, as employment offers, for a term not exceeding six months—final Port of discharge to be Table Bay.

THOMAS TINLEY, *Shipping Master.*

5th December, 1863.

Inclosure 12 in No. 11.

Depositions of Stephen Shephard, Horace Carren, William Murray, and Richard Cable.

Resident's Magistrate's Court, Cape Town, December 1st, 1863.

Appeared before John Montgomery Hill, Esquire, Resident Magistrate.

STEPHEN SHEPHARD sworn states :

I was the master of the barque "Saxon." She left Table Bay on the 2nd of September last with cattle for Government, and bound to Ascension, where we arrived about the 17th of the same month. I proceeded by order from there to Angra Pequena. The orders were from the owners, Anderson, Saxon & Co. We arrived there on the 16th of October in ballast. When there, we painted the ship, and after being there for eleven days I received orders to ship certain cargo that was there, consisting of skins and wool. I took the cargo from the beach by my crew and some men. I received no men from the "Atlas." On the morning of the 30th of October I completed loading, and was preparing for sea, and then observed a large steamer, which proved to be the "Vanderbilt" American man-of-war steamer. She anchored abreast of Angra Pequena (Penguin Island). I was lying about a mile and a half from Penguin Island. Shortly after the steamer sent an armed boat to my ship. The officers in charge were Beldon, the senior, and Donaghan, the junior officers. It was about 1-30 P.M. when they boarded my ship. The first question asked was where I was from, and I presume they must have already seen the name on the stern. Afterwards, how long I had been there, and I told them. They then asked for my papers, and I asked by what authority he wanted to see the papers. The officer then told me that Captain Baldwin had sent him to do so, adding, "Captain, it is no use, I must see your papers." He did not ask me what my cargo consisted of before he saw the papers, but after looking at them he said, "skins and wool!" that will do. The officer retained the papers and went to look down the hold, and asked me if I knew where the cargo had come from. I told him all I knew was that I had come here to take it in. He told me that he must take the papers to Captain Baldwin, and then he left the vessel, leaving the junior officers in charge. He took the Register Articles, Clearance from Customs, and the Bill of Lading with him to the "Vanderbilt." I then told the officer that I was ready for sea and would leave with or without papers, as I was bound to Falmouth for orders. He said you had better not try it, for that the steamer could go faster than I could. The "Saxon" was 215 tons register, and registered at the Cape. On that he left the ship. About an hour afterwards another boat came from the "Vanderbilt," with another armed crew in charge of Lieut. Keith. This boat left at the same time as the other boat left my vessel. We were lying about two miles apart, and a strong breeze blowing at the time. They got on board and placed armed men on the deck; the crew first got up, and then the officer followed. On coming on board his crew drove my men below, and the officer did not state his business at the time he boarded until I asked him, when he asked me who I was, and I told him that I was the master, and he told me that I was no more master of this vessel, and I will thank you to go below and give no more orders, and I will not allow you to talk to any of the ship's company. I told him he ought to have come to me as a gentleman to tell me what his business was, instead of taking charge in the manner he did, and before his commander had seen my papers. He ordered me below then; I made no reply and obeyed. About four o'clock I observed a boat, with the Island men, coming to our ship to ask for some bread and meat. I told my chief officer, Mr. Gray, that he might give them some, but should first inform the American officer in charge of our vessel, which he did. At first he consented, but afterwards refused, but gave no reason for refusal. Mr. Gray came and told me of this refusal, and I told him to leave them into the boat, and if he was prevented, I could not help it. Lieut. Keith was standing by, and told me I was giving too many orders, and if I did not go below he would soon put me where the dogs could not bark at me. I was down below for about nine or ten minutes when I heard the report of a pistol. I had been in my cabin with a sentry at the door. On hearing the report I rushed on deck, and some one told me in passing they had shot the mate. I went to the maindeck and found Mr. Gray lying dead. I raised him in my arms, but found life was extinct. The ball entered at the back of the neck, and I saw a pistol in Donaghan's hands, and I was told that he had shot Mr. Gray. I asked the senior officer why he had shot my mate, and he replied it was an accident. I then asked the junior officer, and his reply was, "poor fellow, I am sorry for him, but must obey orders." They then took the body below. In the meantime the "Vanderbilt" had gone in chase of a vessel, and we were dropped down to where the "Vanderbilt" had been laying, nearly abreast of the island, about a cable's length off the island; and between the island and the land. The "Vanderbilt" returned the next morning, when I was sent for by Captain Baldwin. On arriving on board, he asked me if I was Captain Shephard, of the barque "Saxon." I replied "yes," and he then said, "Captain, I am sorry for you, but your papers are not satisfactory to me, and I must make a prize of your vessel and send her to New York, and we know that it is the 'Tuscaloosa's' cargo you have on board." Captain Baldwin did not mention Mr. Gray's death immediately, and he only alluded to it twice afterwards. Some time afterwards I told him that I was sorry for the loss of the vessel and the mate, and the Captain replied, in reference to the mate, "he was very sorry indeed that it had happened," and he repeated the same remark the next day when I was leaving the ship for good. I asked the officer on board where Mr. Donaghan was, and was told he was under arrest, and that I could not see him. The whole of the officers of the "Vanderbilt" seemed very much affected on hearing of the death of Mr. Gray, and seemed to regret it during the time I remained. When I left the "Vanderbilt" I was put on shore at Angra Pequena, where I found my crew, who had already been landed with the exception of the second mate and cook, the former of whom volunteered to go in my place, and the cook, being an American, went voluntarily. They sent bread and

water on shore for our use, and we were left without shelter. The crew of the "Vanderbilt" took the body of Mr. Gray below. The mate was buried on the 31st of October, and one of the "Vanderbilt" officers, together with myself, attended the funeral. None of the crew were allowed to do so, but the second mate got into the boat in the dark; we were landed on the 1st of November, and walked across the land to Halifax, a distance of about eleven miles, where we were afforded shelter until we left in the "Isabella" for Ichaboe, where we stayed for about days, whence we proceeded in the same vessel to Hottentot Bay, where we were transferred to the "Lord of the Isles." I took the cargo from the beach by orders of my owners.

(Signed)

STEPHEN SHEPHARD.

Before me

(Signed)

J. M. HILL, R.M.

HORACE CARREW sworn, states:

I am an able seaman, and was one of the crew of the barque "Saxon." I left Table Bay to go to Ascension, and from thence to Angra Pequena. We laid at Angra Pequena for about twelve days. I recollect the "Vanderbilt" boarding the "Saxon," and I think it was about the 30th or 31st of October last. A boat came to our vessel with an armed crew, and two officers, the junior of whom was Mr. Donaghan, but I don't know the name of the other. I afterwards saw the officer in charge of the boat come out of the cabin with some papers, which I presume to be the ship's papers. He ordered the batches to be opened, which was done. He then looked at the ship's cargo, and asked our captain where the cargo came from. Captain Shephard said he knew nothing at all about it only that he had to come and take it in. The officer said, "Very well, I must take your papers on board the 'Vanderbilt,' and I leave this officer (pointing to Mr. Donaghan) in charge." He turned to Mr. Donaghan and said, "You stay on board until I send a boat off." Captain Shephard was standing next to him, and he further said, "Don't allow the anchor to be weighed." Captain Shephard said, "My vessel is quite ready for sea, and I intend to go to sea immediately after dinner." The officer said, "You can't, I have got your papers," and Captain Shephard said, "I will go, papers or none." Our captain then told us to go to dinner, and the officer left for the "Vanderbilt," leaving Mr. Donaghan in charge. We then went to dinner, and after dinner we were called on deck, and went about our work, and another boat this time came from the "Vanderbilt." The officer and men took charge of our vessel. We were then ordered by Captain Shephard not to interfere. Some short time after that, when I was behind the galley, I saw Mr. Donaghan standing on the brake of the poop. A little before this a boat had come from the shore with some fish. I heard Captain Shephard say to the officer in charge, "Will you give these men in the boat some grub?" He said "Yes," and I then saw Captain Shephard come in a hurry to the place where the men were passing some meat in the boat. The "Vanderbilt's" men were then stopping them, upon which Captain Shephard said, "Throw it into the boat, and if they stop you I can't help it." At that time the American officer came forward and touched Captain Shephard on the shoulder, and said, "You go aft, you are giving too many orders; I will put you where the dogs won't bark at you." Captain Shephard then went away, and it was then I saw Mr. Donaghan standing on the brake of the poop with several of his own men near him. Mr. Gray was halfway up the ladder, when he was ordered down by Mr. Donaghan. I was distant about six or eight yards from them. Mr. Donaghan said, "Go down!" Mr. Gray did not answer or do anything, when the officer repeated the order for him to go down, adding or I will shoot you. Mr. Gray at the time was facing him, when the officer pushed him on the shoulder with his left hand, and Mr. Gray stumbled and tried to recover himself, and as he turned his face towards the officer, he drew a revolver and shot him. Mr. Gray had nothing in his hands. Two of our men were close to him, and about a dozen of the "Vanderbilt's" men also about the spot. After he was shot he fell backwards, and I and others went to pick him up. I did not see Captain Shephard at that time. The "Vanderbilt" men then drew their swords and pistols. Neither of the men of the "Saxon" were then armed. Mr. Donaghan said, "I am sorry for him, but I obey orders." The men of the "Vanderbilt" then drove us forward. Some short time after this I and two others went aft and saw the captain and second mate holding Mr. Gray's head. Mr. Donaghan then said (pointing to the boat which came for fish) "There is some humbug, as five men came off in her and seven are leaving. The next morning I saw the body of Mr. Gray in the after-hold, and the ball had entered behind the left ear. About dusk that night the body of Mr. Gray was taken on shore by the boat of the "Vanderbilt." One of the "Vanderbilt's" men said, "Donaghan is a good shot, but he is a great deal too fast. About 8 o'clock P.M. we were told not to come on deck, and if we wished to do so, to hail sentries first, if we did not want to be shot. They kept us on board the whole of the day Mr. Gray was buried, and on the following morning we were sent on shore in the "Vanderbilt's" boat.

(Signed)

HORACE CARREW.

Before me

(Signed)

J. M. HILL, R.M.

Wednesday, December 2nd, 1863.

WILLIAM MURRAY, sworn, states:—

I was an able seamen on board of the barque "Saxon," when she was seized by the "Vanderbilt." I recollect the boat coming alongside with two officers, the junior of whom was Mr.

Donaghan. I saw the officer go with the master in the cabin, and return with the ship's papers in his hand. He looked down the hatches and said, "wool and hides, that is enough," and he left our vessel, leaving Mr. Donaghan in charge, with orders that the anchor should not be weighed. About an hour afterwards, another boat arrived from the "Vanderbilt;" there were two or three boats came on the second occasion, with armed crews. The men and officers, after getting on board, ordered us forward. Shortly afterwards, a whale boat came from the shore for provisions; the captain referred them to the officer in charge, who at first consented, but afterwards declined allowing the men to have the provisions—some of the men saying, "that the sons of bitches are removing the food in the vessel, and to stop them," and afterwards that they were pirates and "Alabama" people, and that we had better be shot at once. They appealed to the master again, and said it was hard to let them go without food for the night, and the master ordered it to be thrown into the boat, and if the officer prevented them, he could not help it. The officer in charge then came forward to the master, and said, after laying his hand on his shoulder, "you are giving too many orders here, and you had better go below, or I will send you where the dogs can't bark at you." The captain then went below, and the mate was at this time standing with us at the gangway, and shortly after followed him into the cabin, but was intercepted by the officer, Mr. Donaghan, saying, "Go forward, you are all pirates." The mate made no resistance at all, nor did he speak, and the officer then pushed him on the shoulder, saying, "Go down, or I will shoot you," pointing a revolver at him, and shooting him at once dead. The mate lived for a few minutes after he was shot, but did not speak. I was standing within two yards of the deceased at the time, and saw what took place. The captain rushed from the cabin on hearing the report of the pistol, and seeing what had occurred, he called us aft, but were prevented by the men of the "Vanderbilt;" one or two of us, however, were afterwards allowed to go, of whom I was one; and I saw the same officer who had shot Mr. Gray, standing over him with his revolver cocked and pointed at him, and exclaiming, "there is an 'Alabama' man;" and, referring to the boat leaving for the shore, he said, "let us go ashore, and do for the bloody lot of them." After this, leaning over Mr. Gray, I said to the officer, Donaghan, "Life is gone;" when he replied, pointing at my face his pistol, "No, it is not." He was very excited and insolent, but afterwards he said, "he was sorry for Mr. Gray, but he should have obeyed orders." We were driven below that night, and told if we came on deck that night without hailing the sentry, we should be shot. On the Sunday morning, we were put on shore, and were allowed to take nothing else but a little bread and water, besides our kit. The day after our vessel was seized, the "Vanderbilt" took from Penguin Island some coals that was there on the shore.

(Signed)

WILLIAM MURRAY,

Before me,

(Signed)

J. M. HILL, *R.M.*

RICHARD CABLE sworn, states :

I am an able seaman, and was one of the crew of the "Saxon." I signed articles at this port. I recollect the 30th of October last, when our vessel was seized by the "Vanderbilt," and was present when the mate was shot. A boat from the island came off with fish, and they asked the captain if he could give them some provisions for the night, as they could not proceed to Halifax in consequence of the breeze then blowing; whilst the provisions were being landed into the boat by the "Vanderbilt" men, one of the men of her went up to the officer in charge of the ship, and said, "they were taking all the stores of the ship, and that they should be stopped." The captain was standing by at the time, and the officer in charge at first consented, but afterwards changed his mind, and on again being applied to, Captain Shephard told them to put it into the boat, and if prevented, he could not help it. I was walking alongside the master at the time when Lieut. Keith came up to him, and, taking him by the shoulder, said, "My fine fellow you are giving too many orders here, and if you don't go below, I will put you where the dogs can't bark at you," and the master went below, and a sentry was placed over him. Mr. Gray was standing at the main-rigging by myself and two other men, and about ten minutes after the captain had gone below Mr. Gray wanted to follow him, when he was stopped by Donaghan, and told to go down, and was pushed down by the right shoulder, when Mr. Gray's foot caught in the steps of the ladder, and looked up as innocent as could be, not knowing what was the matter. Donaghan had his pistol already drawn, and without further remark, he shot him down. I did not hear that Mr. Donaghan was desired to shoot Gray by the officer in charge of our vessel. Mr. Gray offered no resistance before he was shot. Deceased was liked by the whole of the ship's company. Mr. Gray could not have given the officers any offence whatever, and he had dined with Donaghan at the master's table the same day. We signed the articles for Ascension, and any other port in the South Atlantic ocean. I was not aware, nor were any other of the crew to my knowledge, for what service we went to Angra Peguena, and we did not know what our cargo was to be until we saw it on shore at Angra Peguena. When Donaghan had shot Gray, he gave orders to his men to draw swords, and our crew to go forward. I don't know the reason for these orders, for they were all armed to the teeth, and double our number, while we had not a weapon amongst us, and showed no symptom of disaffection or resistance. Mr. Keith came on the poop when Donaghan ordered us below, and one of the men came up to me in a cowardly and menacing manner, and asked me whether we were going to take the ship back again; and I replied, throwing out my arms to show our helplessness, does it look like it? Mr. Keith, when he saw Mr. Gray was shot, disapproved of it greatly, and said "he was very sorry for it, and did not know how soon it would be his turn." There

were more than a dozen men of the "Vanderbilt" close at hand, when Mr. Gray was shot, and even if he had showed resistance, there was no necessity of using violence. Gray was not a yard distant from Donaghan when he was shot.

(Signed) RICHARD CABLE.

Before me,

(Signed) J. M. HILL, R.M.

(Signed) R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Attorney-General's Office,
2nd December, 1863.

Inclosure 13 in No. 11.

Original Register.

1856. Marriage solemnized at Cape Town, in the Parish of , District of Cape Town. 1856.

No.	When married.	Names and Surnames.	Ages.	Condition.	Rank or Profession.	Residence at the time of Marriage.	After Banns or License.	Consent by whom given, or Judge's Order.
410	28th July, 1856.	James Gray	Full age.	Bachelor.	Master Mariner.	Cape Town.	After Banns.	Jane Hopkins (formerly Crampton) mother.
		Mary Jane Crampton.	Minor.	Spinster.		Cape Town.		

Married in the Scottish Church at Cape Town aforesaid. after Banns, by me, George Morgan, Minister of the Scottish Church.

This Marriage { James Gray. }
was solemnized { Mary Jane Crampton. } In the presence of { Isaac Lenthall.
between us ... { Margaret Crampton.

Examined with the Original Register, by me, and found to be correct,

Cape Town, 27 November, 1863.

GEORGE MORGAN, Minister.

Inclosure 14 in No. 11.

Affidavits.

BE it hereby made known, that on this, the Sixteenth day of December, one thousand eight hundred and sixty-three, before me, William Edward Moore, of Cape Town, Cape of Good Hope, Notary Public by the authority of Government, duly sworn and admitted.

Personally appeared, Mary Jane Gray, widow of the late James Gray, late chief mate of the vessel called the "Saxon," and did then and there in my presence, sign and attest the affidavit hereto annexed, marked A.

An Act whereof being requested, I have granted these presents under my Notarial form and Seal of Office, to serve and avail as occasion may require.

Thus done at Cape Town aforesaid, the day, month, and year afore-written.

(Quod Attestor.) W. E. MOORE, Notary Public.

A.

MARY JANE GRAY, widow of the late James Gray, late chief mate of the vessel called the "Saxon," maketh oath, and saith that there is issue of her marriage with the said James Gray, lawfully begotten, the following children, named Alexander Gray, aged six years; Helen Gray, aged four and one-half years; Thomas James Gray, aged two and one-half years; Matilda Jane Gray, aged one month and six days, still surviving.

Sworn at Cape Town the 16th day of December, 1863.

MARY JANE GRAY.

Before me,

W. SAMPSON, Justice of the Peace for Cape Town.

BE it hereby made known, that I, William Edward Moore, of Cape Town, Cape of Good Hope, Notary Public, by the authority of Government, duly sworn and admitted, have this day collated and compared with the originals, the copies hereto annexed, numbered 1 and 2.

No. 1. Copy of Certificate of Competency of James Gray as Master.

No. 2. Copy of Certificate of Service of said James Gray as Master.

And I, the said Notary, do certify and attest that the same are true and faithful copies of the said originals, and agree therewith in every respect. An act whereof being required, I have granted these presents under my Notarial form, to serve and avail as occasion shall or may require.

Thus done and passed at Cape Town aforesaid, this sixteenth day of December, in the year of our Lord one thousand eight hundred and sixty-three.

(*Quod Attestor.*)

W. E. MOORE, *Notary Public.*

Witnesses.

A. T. BRIDGE, *Clerk.*

S. P. FORD, *Clerk.*

No. 1.

(L.S.)

By the Lords of the Committee of Privy Council for Trade.

CERTIFICATE OF COMPETENCY AS MASTER.

To James Gray,

WHEREAS it has been reported to us that you have been found duly qualified to fulfil the duties of Master in the merchant service, we do hereby, in pursuance of the Mercantile Marine Act, 1850, grant you this Certificate of Competency.

Given under the seal of the Board of Trade, this twenty-second day of February, 1853.

By order of the Board.

(Signed)

J. W. BUSHEY,

J. G. FANSHAWE,

} *Officers of the Naval Department.*

Pro

Secretary to the Naval Department.

Entered at the General Register and Record Office of Seamen, on the twenty-third day of February, 1853.

(Signed)

EVERARD HORNE COLEMAN.

Endorsed: No. of Certificate, 4702. Address of bearer, 77 West North Street, Aberdeen. Date and place of birth, 1827, Aberdeen, Aberdeen. No. of Register ticket 198,777.

Signature, JAMES GRAY.

This Certificate is given upon an ordinary examination passed at Aberdeen on the nineteenth day of February, 1853.

Any person who fraudulently forges or alters a certificate, or fraudulently makes use of any certificate, to which he is not justly entitled, is liable either to be prosecuted for a misdemeanor or to be summarily punished before a Magistrate by a penalty of £10, or by imprisonment with hard labour for three months, and any person who refuses to deliver up a certificate which has been cancelled or suspended, is liable to the same summary punishment.

Issued at the Port of Aberdeen, on the 25th day of February, 1853.

(Signed)

GEORGE BROCK, *Shipping Master.*

No. 2.

THIS is to certify that James Gray has been in command of my schooner "Wanderer," for eighteen months past, and has shown himself to be a fit and proper person to take charge of a vessel.

(Signed)

JAMES MURISON.

Cape Town, August 1, 1856.

No. 12.

Messrs. Sinclair, Hamilton, & Co. to Earl Russell.—(Received January 30.)

My Lord,

11, *St. Helen's Place, London, January 29, 1864.*

WE have the honour to acknowledge receipt of Mr. Hammond's letter of 21st instant, and have deferred replying to the same until the arrival of the Cape Mail placed us in possession of fuller information as to the circumstances attending the capture of the British barque "Saxon," at Angra Pequena.

Accordingly we have the honour to inclose copies of the depositions by the master and crew of the "Saxon," taken before a magistrate at Cape Town. From these it will be seen that Mr. Hammond was in error in supposing the wool with which the "Saxon" was laden had been taken from the "Sea Bride," as Captain Baldwin, of the United States steamer "Vanderbilt," appears to have made the seizure on the ground that the wool had been landed from the "Tuscaloosa."

The "Tuscaloosa" is stated in the newspapers to have been a prize taken by the "Alabama" when her name was "Conrad." She had been captured a considerable time previously on her voyage from Buenos Ayres to New York, and was taken into Simon's Bay, where she was received by the Colonial authorities with all the privileges of a Confederate man-of-war, notwithstanding that objection was taken by the United States Consul that she had not been duly condemned by a Prize Court. Be this as it may, we have ascertained that the "Saxon" arrived at Angra Pequena from Ascension, and loaded the wool from the shore; and assuming the fact that it had formed part of the "Tuscaloosa's" cargo, we are advised that this does not justify the capture of the "Saxon," even though a claim to the wool should be substantiated in the New York Prize Court.

We would further respectfully call your Lordship's attention to the circumstances attending the murder of the chief mate, which are of such a nature as we doubt not will demand the serious attention of Her Majesty's Government.

In reply to Mr. Hammond's inquiry as to the coals seized by the "Vanderbilt" (which question, as your Lordship will see, is quite apart from the seizure of the "Saxon" and murder of the mate), we have to inform your Lordship that the coals were not conveyed in the "Saxon," and on reference to our previous letter, it will be observed that when seized, they were stored on British Territory at Penguin Island.

We inclose copy of the claim for the coals, made on the United States Government, by Messrs. Anderson, Saxon & Co., and beg that your Lordship will take such measures in support of the claim, as may be deemed requisite.

We have, &c.

(Signed) SINCLAIR, HAMILTON, & CO.

Inclosure 1 in No. 12.

Depositions of the Mate and Crew of the "Saxon."

[See Inclosures 2 and 3 in No. 10.]

Inclosure 2 in No. 12.

Particulars of Claim of Messrs. Anderson, Saxon, & Co.

The United States Government, to Wm. Anderson, Saxon, and Co.

1863.

Dr.

Nov. 23.—To 250 tons Coal taken from Penguin Island by the boats and crew of the United States steamer "Vanderbilt," by order of Captain Baldwin, on the 31st Oct. last, at £6 per ton	£1,500
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Cape Town.

No. 13.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, January 30, 1864.

MR. CONSUL ARCHIBALD transmitted to your Lordship, in his despatch of the 5th of January, a copy of the deposition made by the second mate of the "Saxon," the case of which vessel forms the subject of my despatch to your Lordship, of the 21st of January, setting forth the circumstances under which the mate of that vessel was shot, on the occasion of her capture by Mr. Donohoe, an officer of the United States steamer "Vanderbilt."

I have received this morning the opinion of the Law Officers of the Crown, whom, as I acquainted you in my despatch, I proposed to consult with reference to that transaction, and I have now to state to you, that if the depositions of the second mate, David Aitchison, contains the truth, the United States Officer Donohoe, ought to be tried without delay for the wilful murder of an innocent British subject; and your Lordship will make a communication to that effect to Mr. Seward.

I transmit to your Lordship further statements respecting that transaction, which I have received since the date of my despatch.

I am about to consult the Law Officers again on the general question relating to the capture of the "Saxon," and the proceedings of the "Vanderbilt" in the matter, having received further information on the subject from the Colonial Office, and from the parties interested in the vessel; but in the meanwhile I must observe that the deposition of the second mate, Aitchison, although it throws no new light upon the cause of capture, imparts a still graver character to the case of the "Saxon," which was, independently of it, one that called for a prompt and careful investigation of all the proceedings of the United States steamer "Vanderbilt" in regard to that vessel.

I am, &c.
(Signed) RUSSELL.

No. 14.

Messrs. Sinclair, Hamilton, & Co. to Mr. Hammond.—(Received February 3, 1864.)

Sir,

11, St. Helen's Place, London, February 3, 1864.

WITH reference to the conversation Mr. Hamilton had with you last week, on the subject of the coals taken from Penguin Island by the United States steamer "Vanderbilt," when you expressed a doubt as to whether the Island was British Territory, we have to say that we are informed on good authority that a man-of-war was sent (we believe towards the end of 1861), to take possession, and the British Flag was hoisted in due form. Furthermore, the Colonial Government granted a lease of the island or a portion of it, to Messrs. Granger and Co., Merchants, Cape Town, who have ever since occupied it and carried on business there. Under these circumstances we trust Earl Russell will support Messrs. Anderson, Saxon, and Co.'s claim on the Government at Washington, for the value of their coals seized in so outrageous a manner by the "Vanderbilt."

We have, &c.
(Signed) SINCLAIR, HAMILTON & CO.

No. 15.

Mr. Hammond to Mr. Elliot.

Sir,

Foreign Office, February 5, 1864.

I AM directed by Earl Russell to transmit to you, to be laid before the Duke of Newcastle, the accompanying copy of a letter from Messrs. Sinclair, Hamilton, and Co., stating their reasons for believing Penguin Island to be British Territory; and I am to request that you will move his Grace to inform Lord Russell what answer should be returned to Messrs. Sinclair, Hamilton, and Co.

I have, &c.
(Signed) E. HAMMOND.

Lord Lyons to Earl Russell.—(Received February 7.)

My Lord,

Washington, January 26, 1864.

IN a despatch dated the 23rd ultimo, Mr. Consul Archibald reported to your Lordship the arrival at New York of the British barque "Saxon," in charge of a prize crew from the United States steamer "Vanderbilt," and in a despatch dated the 5th instant, Mr. Archibald forwarded to your Lordship a copy of a deposition made before him by the second mate of the "Saxon," from which it appears that the first mate, Mr. James Gray, had been fired at and killed by a Mr. Donohoe, one of the officers of the "Vanderbilt."

On being informed that the "Vanderbilt" had arrived at New York, I thought it right to address a note to Mr. Seward, inclosing a copy of the deposition, and expressing my expectation that the Government of the United States would immediately take measures to investigate this shocking occurrence, and to render prompt and effectual justice in the case. I have the honour to inclose a copy of the note.

I have, &c.
(Signed) LYONS.

Inclosure in No. 16.

Lord Lyons to Mr. Seward.

Sir,

Washington, January 19, 1864.

IT is my painful duty to submit to you an extract from a despatch from Her Majesty's Consul at New York, and an authenticated copy of a deposition, which will direct your attention to the circumstances under which Mr. James Gray, mate of the British barque, "Saxon," was killed by an officer of the United States ship "Vanderbilt," named Donohoe at Angra Pequena, somewhat more than two months ago.

I do not doubt that the Government of the United States will immediately take measures to investigate this shocking occurrence, and to render prompt and effectual justice in the case.

I understand that the "Vanderbilt" arrived at New York the day before yesterday.

Begging you to be so good as to send the authenticated copy of the deposition back to me.

I have, &c.
(Signed) LYONS.

Mr. Elliot to Mr. Hammond.—(Received February 8.)

Sir,

Downing Street, February 8, 1864.

I AM directed by the Duke of Newcastle to acknowledge your letter of the 5th instant, accompanied by one from Messrs. Sinclair, Hamilton, and Co., in which they say, with reference to Penguin Island, that they are informed on good authority, that a man-of-war was sent towards the end of 1861, to take possession, and that the British Flag was hoisted in due form, and a lease of the island, or a portion of it, granted to Messrs. Granger and Co., of Cape Town.

I am desired to acquaint you in answer, that in the month of June, 1861, in pursuance of previous orders duly given for the purpose by the Queen's Government, Her Majesty's ship "Furious," proceeded to the Island of Ichaboe, and took possession of it, and hoisted the British Flag, and that a lease of a considerable portion of that island was granted to the Messrs. Granger and Co. There would appear every probability, therefore, that this must be the proceeding of which a report has reached Messrs. Sinclair and Co. It is exceedingly unlikely that another man-of-war should have gone in the same year to another island, and have taken possession of it as a colony, without any knowledge of the fact at this department, and a lease have been granted there also to the same firm of Messrs. Granger, of Cape Town. The Proclamation of the Governor of the Cape of

Good Hope, professing to annex Penguin Island was not issued until August, 1861, which was some months after the "Furious" took possession of Ichaboe. But in order to omit no means of seeking all possible information bearing on the present case, the Duke of Newcastle has written to inquire whether or not the statement which has been made by the Messrs. Sinclair and Co., about the occupation of Penguin Island, is supported by any report in the records of the Admiralty.

I am, &c.
(Signed) T. FREDK. ELLIOT.

No. 18.

Messrs. Sinclair, Hamilton, & Co. to Earl Russell.—(Received February 8.)

My Lord, 11, St. Helen's Place, London, February 8, 1864.
REFERRING to our letter of 29th January, as to the capture of the barque "Saxon," by the United States steamer "Vanderbilt," we have now the honour to inform your Lordship, that the "Saxon," at the time of capture, was at anchor within a mile and a-half of Penguin Island, British territory.

We have, &c.
(Signed) SINCLAIR, HAMILTON, & CO.

No. 19.

Earl Russell to Lord Lyons.

My Lord, Foreign Office, February 11, 1864.
I HAVE to state to you that I approve the Note which you addressed to Mr. Seward on the 19th of January, a copy of which is inclosed in your Lordship's despatch No. 51 of the 26th ultimo, calling upon the Government of the United States to investigate the circumstances under which Mr. James Gray, mate of the British barque "Saxon," was killed by Lieutenant Donohoe, of the United States ship "Vanderbilt."

I am, &c.
(Signed) RUSSELL.

No. 20.

Mr. Elliot to Mr. Hammond.—(Received February 12.)

Sir, Downing Street, February 12, 1864.
WITH reference to the latter portion of my letter of the 8th instant, on the subject of the statement made by Messrs. Sinclair, Hamilton, and Company, that they believed Penguin Island to be British territory, I am directed by the Duke of Newcastle to acquaint you, for the information of Earl Russell, that the Lords Commissioners of the Admiralty have stated that there is no document in their department to show that Penguin Island, which is more than twenty miles south of Ichaboe, was visited by a ship of war in the year 1861; or, that Captain Jones, of the "Furious," called there on his way to take possession of Ichaboe.

I have, &c.
(Signed) T. FREDK. ELLIOT.

No. 21.

Earl Russell to Lord Lyons.

My Lord, Foreign Office, February 15, 1864.
I STATED to you in my despatch of the 30th of January that I was about to consult the Law Officers on the further papers which, since the date of my despatch

of the 21st of January, had been communicated to this office in the case of the capture of the "Saxon" by the United States steamer of war "Vanderbilt."

I now send to your Lordship copies of such of those papers as it is necessary that you should have in your possession.

The conclusions to which, after consulting the Law Officers of the Crown, I have come on the several points in this case are as follows:—

1. As regards the capture of the "Saxon," as Angra Pequena is not a British possession, but would seem to be a deserted spot, and as the Proclamation of Governor Grey of the 12th of August, 1861, purporting to extend the jurisdiction of the Crown over Penguin Island, was not previously authorized, and has not since been confirmed by Her Majesty, no violation of neutral or British territory appears to have taken place, and the jurisdiction of the United States Prize Court could not be contested on the assumption of such violation having been committed.

It seems, moreover, to have been admitted by one of the owners of the "Saxon" to Governor Wodehouse, that the vessel had been actually engaged in taking on board part of a prize cargo landed from the "Tuscaloosa," for the purposes of conveying it to market as the property of, and on account of, Captain Semmes, of the "Alabama."

Under these circumstances, Her Majesty's Government see no ground for seeking to withdraw the case from the jurisdiction of the Prize Court.

2. As regards the murder of the mate of the "Saxon," I have already instructed you, by my despatch of the 30th of January, to express to Mr. Seward the opinion of Her Majesty's Government that the officer of the "Vanderbilt," by whom that murder was committed, should be brought to trial without delay; and you will further state to the American Minister that pecuniary compensation to the widow ought to form part of the redress which the Government of the United States should make for this atrocious act of their officer.

3. As regards the coal taken by the "Vanderbilt" from Penguin Island, Her Majesty's Government cannot doubt that the Government of the United States will immediately make to the owners thereof full compensation for the value of the coal, and for the loss they may have sustained in consequence of the violent act of the commander of the "Vanderbilt" in appropriating it for the use of that vessel; but you will not fail to call the serious attention of Mr. Seward to the proceeding of the United States' officer, for which no justification or excuse can be discovered in any reports which have reached Her Majesty's Government in regard to those matters which form the subject of this despatch.

I am, &c.
(Signed) RUSSELL.

No. 22.

Lord Lyons to Earl Russell.—(Received February 16.)

My Lord,

Washington, February 1, 1864.

I HAVE the honour to enclose a copy of a note from Mr. Seward, acknowledging the receipt of the note respecting the killing of Mr. James Gray, first mate of the "Saxon," a copy of which was transmitted to your Lordship with my despatch of the 26th ultimo.

I have also the honour to enclose copies of a despatch from Mr. Consul Archibald and its inclosure, referring to this shocking event, and reporting the arrival of an agent to protect the interests of the owners in the judicial proceedings at New York concerning the capture of that vessel.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 22.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, January 30, 1864.

I HAVE the honour to acknowledge the receipt of your communication of the 19th instant, calling my attention to the circumstances under which Mr. James Gray, mate of

the British barque "Saxon," was killed by an officer of the United States ship "Vanderbilt;" and to inform your Lordship that I have laid before the Secretary of the Navy a copy of that communication, with a view to an investigation and such proceedings as the result may call for.

I have, &c.
(Signed) W. H. SEWARD.

P.S.—The certified copy of the Affidavit of David Aitchison is now returned, pursuant to your Lordship's request.

Inclosure 2 in No. 22.

Consul Archibald to Lord Lyons.

My Lord, New York, January 25, 1864.

REFERRING to my despatch of the 5th instant, I have the honour to report to your Lordship that Stephen Shephard, master of the barque "Saxon," has arrived at this port from Cape Town, to protect the interests of the owners of the vessel who, having forwarded a power of attorney to Mr. Charles Edwards to represent them, my interposition on their behalf has been rendered unnecessary.

I am informed by Captain Shephard that the evidence of himself and of his crew, in reference to the capture of the "Saxon," and the shooting of the chief mate of that vessel, was taken in due form at Cape Town, and transmitted to England by Her Majesty's ship "Gorgon," which sailed from Cape Town about the last day of November.

I transmit, herewith enclosed, a copy of a letter, this day received by me, from Mr. Charles Edwards, the counsel for the claimants. In reference to the question of the seizure of the "Saxon" while in British waters (if the fact be so), I presume instructions from Her Majesty's Government will be received by the mail steamer "China," due at this port, in the course of the present week. Meantime, any interposition on this ground of claim, it appears to me, would be premature, and, indeed, without any evidence on which to base it.

I have not as yet been able to trace the steward of the "Saxon."

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 3 in No. 22.

Mr. Edwards to Consul Archibald.

Sir, New York, January 24, 1864.

PERMIT me to ask whether the British Government has sent on any instructions to claim restitution of the British barque "Saxon," seized by the United States steamer "Vanderbilt," at Angra Pequena, Africa, which place I believe belongs to an independent chief, named David Christian, and is close upon Penguin Island (within two miles), the latter being, as I suppose, British; and if so, then the "Saxon" was seized in neutral British waters.

I am retained by the owners of the "Saxon," but consider he individually cannot take the benefit of seizure in neutral waters, and that the Government whose territory has been infringed, can alone do so, and therefore it is I respectfully ask the above.

I have had to interpose the best claim I could; which claimants of cargo are pressing for an adjudication.

If the British Government really intends to demand or intervene, then, there is no time to be lost.

You were so obliging as to allow me a copy of an affidavit made by the second mate of the "Saxon," taken before you, showing a seeming wilful shooting of her first mate by an officer of the "Vanderbilt," and I am trying to make use of it. But as this deposition was not sworn to before any United States judicial officer, it really cannot be used as evidence.

I have, &c.
(Signed) CHARLES EDWARDS.

No. 23.

Lord Lyons to Earl Russell.—(Received February 17.)

My Lord,

Washington, February 5, 1864.

WITH reference to my despatches of the 26th ultimo and of the 1st instant, I have the honour to transmit to your Lordship copies of further correspondence relative to the killing of Mr. James Gray, mate of the British barque, "Saxon," by an officer of the United States ship "Vanderbilt."

Your Lordship will perceive that a Court of Enquiry has been convened at Boston, for the purpose of investigating this unhappy occurrence, and that I have informed the United States Government that Mr. Shephard, the late master of the "Saxon," is at New York, and have suggested that he should be summoned to give evidence before the Court.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 23.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, February 3, 1864.

REFERRING to your Communication of the 19th ultimo, calling my attention to the circumstances under which Mr. James Gray, mate of the British barque "Saxon," was killed by an officer of the United States steamship "Vanderbilt," and to my reply, I now have the honour to inclose for your information the copy of a letter of yesterday, addressed to this Department by the Secretary of the Navy.

I have, &c.
(Signed) W. H. SEWARD.

Inclosure 2 in No. 23.

Mr. Welles to Mr. Seward.

Sir,

Navy Department, Washington, February 2, 1864.

I HAVE had the honour to receive your letter of the 28th ultimo, enclosing a copy of a communication from Lord Lyons in relation to an occurrence which took place on board the British barque "Saxon," on the west coast of Africa.

A Court of Enquiry, convened by order of the Department, is now assembled at the Navy Yard, Boston, for the purpose of investigating the particulars of the unfortunate occurrence referred to.

If there be any witness now in the United States, whose testimony in the case is considered material, he will be allowed his travelling expenses to and from Boston, at the rate of ten cents per mile, and two dollars per diem during his necessary attendance before the Court of Enquiry.

I have, &c.
(Signed) GIDEON WELLES.

Inclosure 3 in No. 23.

Lord Lyons to Consul Archibald.

Sir,

Washington, February 4, 1864.

I TRANSMIT to you a copy of a letter from the Secretary of the Navy to the Secretary of State, which was inclosed in a note from the Secretary of State, which I received last evening. Immediately after it reached me, I dispatched to you the following telegram :—

"Secretary of State informs me that a Court of Inquiry is now assembled at the

Navy Yard, Boston, to investigate the killing of the mate of the "Saxon," and that if there be any material witness in the United States, he will be allowed ten cents. per mile for his travelling expenses, and two dollars per diem during his attendance. Ought not Captain Shephard to attend?"

I am, &c.
(Signed) LYONS.

Inclosure 4 in No. 23.

Consul Archibald to Lord Lyons.

(Telegraphic.)

New York, February 4, 1864.

I THINK it sufficient to notify the Government that Sheppard is here. He will attend and give evidence if required on receiving a summons for that purpose.

Inclosure 5 in No. 23.

Lord Lyons to Mr. Seward.

Sir,

* Washington, February 5, 1864.

WITH référence to the letter from the Secretary of the Navy, which you did me the honour to communicate to me with your note of yesterday, I hasten to inform you that Mr. Stephen Shephard, who was master of the "Saxon," when Mr. James Gray met with his death on board that vessel, is now at New York, and would doubtless be able to give very material evidence before the Court of Inquiry at Boston; and I have the honour to suggest to you to cause him to be summoned to attend the Court.

He can be heard of at Her Majesty's Consulate, at New York.

I have, &c.
(Signed) LYONS.

No. 24.

Messrs. Sinclair, Hamilton & Co., to Earl Russell.—(Received February 17.)

My Lord,

11, St. Helen's Place, London, February 17, 1864.

REFERRING to our letters of 4th and 29th January and 3rd instant, we have again the honour to request your Lordship's attention to the subject of the coals belonging to Messrs. W. Anderson, Saxon, and Co., taken from Penguin Island by the United States steamer "Vanderbilt."

We have to state in the first place that Messrs. Anderson, Saxon, and Co. had agreed to supply the "Vanderbilt," and had commenced putting coals on board in Table Bay before she left for Angra Pequena, but the Colonial authorities stopped the supply because the "Vanderbilt" had been previously coaled (also by Messrs. Anderson, Saxon, and Co.) within the prescribed time.

It will be seen from the deposition of Mr. Shepherd that Captain Baldwin was told at the time that the Island was British territory, when he replied, "I cannot help it; I want coal and must have it." And, no doubt, the coal he appropriated from Penguin Island was a very seasonable supply.

Observing that a question has been raised as to whether Penguin Island is British territory, we beg to inclose copy of Sir George Grey's Proclamation, dated 13th August, 1861, which we procured from the file at the Colonial Office, Downing-street. It will be seen that the Proclamation runs that Her Majesty's dominion and sovereignty was to take effect forthwith, and in pursuance of this a lease was granted in August 1861, of Penguin Island (and other Islands adjacent) to certain British merchants who have occupied the same ever since in the undisturbed exercise of their rights as lessees which had previously been disputed; the Proclamation, however, was subject to "Her Majesty's gracious confirmation and disallowance."

The coals were placed on Penguin Island by Messrs. Anderson, Saxon, and Co., in the full confidence that their property would be under the protection of the British flag, and if it be true, that by some oversight the Proclamation never was confirmed, neither

was it disallowed, and up to the present time the Islands in question have been treated as British territory by the Government authorities at the Cape.

We therefore submit that it would be a gross injustice if Messrs. Anderson, Saxon, and Co. are to be deprived of all protection for their property in consequence of this oversight, and trust your Lordship will support the claim which has been made upon the United States' Government.

We have, &c.
(Signed) SINCLAIR, HAMILTON & Co.

Inclosure in No. 24.

Extract from the Cape of Good Hope Government "Gazette" of August 13, 1861.

Proclamation.

By his Excellency Sir George Grey.

WHEREAS the Island of Ichaboe was on the 21st day of June last past taken possession of for and in the name of Her Britannic Majesty Queen Victoria, and declared a dependency of the Cape of Good Hope, and whereas it is expedient that subject to the pleasure of Her Majesty in that behalf her dominion shall also be declared over a cluster of small islands or rocks adjacent to the said Island of Ichaboe.

Now, therefore, I hereby proclaim, declare, and make known that the sovereignty and dominion of Her said Britannic Majesty Queen Victoria shall be, and the same are hereby declared over the following islands or rocks adjacent to Ichaboe, that is to say, Hollamsbird, Mercury Long Island, Seal Island, Penguin Island, Halifax, Possession, Albatross Rock, Pomona, Plumpudding and Roast Beef or Sinclair Island.

This Proclamation of Her Majesty's sovereignty and dominion to take effect forthwith, but to be subject to Her Majesty's gracious conformation and disallowance.

God save the Queen.

Given under the public seal of the Settlement of the Cape of Good Hope this 12th day of August, 1861.

(Signed) G. GREY, *Governor.*

By command of his Excellency the Governor.

(Signed) RICHARD SOUTHEY, *Acting Colonial Secretary.*

No. 25.

Mr. Hammond to Messrs. Sinclair, Hamilton & Co.

Gentlemen,

Foreign Office, February 20, 1864.

I AM directed by Earl Russell to acquaint you that the matters arising out of the seizure of the British vessel "Saxon," by the United States' man-of-war "Vanderbilt," to which you called his Lordship's attention in your several letters of the 4th and 29th of January, and 3rd, 8th, 12th, and 17th instant, have been fully considered by his Lordship in communication with the Law Officers of the Crown, who also had before them the information on the same matters which had reached Her Majesty's Government from other quarters.

The questions arising out of this transaction are three in number :—

1. The seizure of the vessel.
2. The death of the First Mate.
3. The coals taken by the "Vanderbilt" from Penguin Island.

As regards the first question, I am to state to you that Angra Pequena not being a British possession, and the Proclamation of Governor Grey, purporting to extend the jurisdiction of the British Crown over Penguin Island, not having been previously authorized or subsequently recognized by Her Majesty, there exists no ground for seeking to withdraw the case of the "Saxon" from the jurisdiction of the Prize Courts in the United States.

As regards the second question, I am to state to you that Lord Lyons has been instructed to express to the Government of the United States the opinion of Her Majesty's Government that if the facts deposed to by second mate Aitcheson are true, the officer who killed the first mate has been guilty of wilful murder, and should be brought to trial without delay. And it appears from despatches received from Lord Lyons, that without

waiting for instructions his Lordship at once represented the case to the United States' Secretary of State, and has received from him an assurance that a Court of Inquiry would be immediately held on the matter.

Lord Lyons has further been instructed to apply to the Government of the United States for pecuniary compensation to the widow of the deceased.

As regards the third question, Lord Lyons has been instructed to state to the Government of the United States that Her Majesty's Government cannot doubt that full compensation will be immediately made to the owners for the value of the coal and for the loss which the owners may have sustained by reason of its seizure.

I am, &c.

(Signed) E. HAMMOND.

No. 26.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 20, 1864.

WITH reference to my despatch of the 15th instant I transmit to you herewith a copy of a further letter from Messrs. Sinclair, Hamilton and Co. respecting the coals taken by the United States steamer "Vanderbilt" from Penguin Island, together with a copy of a letter which I have caused to be addressed to them in reply to their various letters on the case of the "Saxon," of which copies have been sent to your Lordship.*

I have submitted the letters from these gentlemen to the Law Officers of the Crown, and in conformity with their opinion I have to repeat to your Lordship that Her Majesty's Government consider that the owners of the coals are entitled to full compensation for the unlawful seizure of their property by the commander of the "Vanderbilt;" and further, that your Lordship should address to Mr. Seward a direct remonstrance against the violent act of which that officer was guilty in seizing the coals.

I am, &c.

(Signed) RUSSELL.

No. 27.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 20, 1864.

WITH reference to my previous despatch of this day's date, I inclose for your information copies of further papers,† as marked in the margin, relative to the case of the "Saxon."

I am, &c.

(Signed) RUSSELL.

No. 28.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 20, 1864.

I TRANSMIT to you herewith a statement made to the Solicitor of the Treasury by Horace Carrew, late a seaman on board the "Saxon," respecting the murder of the chief mate of that vessel by an officer of the United States' steamer "Vanderbilt."

This statement, in the opinion of the Law Officers of the Crown, bears on the face of it evident signs of truthfulness, and throws more light upon this unhappy transaction than any of the statements previously in the possession of Her Majesty's Government, and your Lordship will make it known to Mr. Seward.

Steps will be immediately taken with the view of sending Carrew to the United States in order that his evidence may be taken on the inquiry which, as stated in your Lordship's despatch of the 5th instant, is to be held at Boston for the purpose of investigating this unhappy occurrence; and I have reason to expect that Aitcheson, the

* Nos. 24 and 25.

† Nos. 14, 15, 17, 18, and 20.

second mate of the "Saxon," whose deposition was taken by Mr. Consul Archibald, will be forthcoming, so as to admit of his proceeding to New York by the middle of next week.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 28.

Deposition of Horace Carrew.

HORACE CARREW, native of St. Helena, aged 21. Nearly all my life at sea. Was a sailor five years ago. In 1862 I was a seaman before the mast in the "Pioneer of London," bound to Natal. We were there wrecked, and I worked my way to Cape Town. At Cape Town I shipped in the "Saxon," on the 17th January, 1863. We were to take cattle and sheep from the Cape to Ascension for Her Majesty's Government. Shortly after that day we sailed, fully laden with cattle and sheep, and forage for their support on the voyage and at Ascension. We had no other cargo. We went to Ascension, returned to the Cape, took a similar cargo for Ascension, and the same again. It was on the third trip (backward from Ascension) that the "Saxon" was taken. We were coming back in ballast. We got as far south as the Cape, and were bound there (as far as the crew thought), and then we turned across the south-east trades. We knew then that we were not bound to the Cape, but we didn't know where. The first land we sighted was Possession Island just above (*i.e.* to south of) Angra Pequena. We went into the Bay and anchored. Two or three days after we went up another little bay, at the head of this big bay. We stayed eleven or twelve days painting the ship. Then we began to take in a lot of bales of skin and bales of wool from shore. They were on the rocks; here are no houses there. A small schooner (an Englishman—the "Atlas,"—of Cape Town, I knew the vessel) had come down when we had finished painting, and put three or four men ashore with provisions and a boat, and these men rolled the bales down to the beach and put them in our boats, and we shipped them. On the 30th or 31st October we had finished loading the vessel and the boat was coming off with the planks and ropes that we had taken (to make a sort of stage on shore), when we saw a large steamer rounding the point at the bottom of the large bay; and she anchored. She lowered two boats with armed crews. One she sent to Penguin Island, a little Island in this bay (where there was a lot of coals), and the other boat she sent to us. She was lying about two miles from us. The crew came up alongside and two officers boarded us. The senior officer went down into the cabin with our captain (Captain Shepherd). I was on deck; they remained about five minutes below. I won't be certain whether the other officer remained on deck or went below with the other. I saw the senior officer with our captain coming from the companion with a number of papers in his hand, and they walked together to the after hatch. The officer ordered our captain to have it opened (I heard this). It was opened by myself and another. The officer said, "What do you call that, captain?" (pointing to a portion of the cargo). The captain said, "Well I don't know, a mixture of cotton and wool or something. All I know is that I have come here to take it in." The officer said, "That will do. I'll take these papers, captain, on board the 'Vanderbilt,' and I'll leave this officer" (pointing to the junior officer, Mr. Donaghan) "in charge." He then turned to Mr. Donaghan himself, and said, "Don't allow that anchor to be weighed." Our captain said to him, "My ship is quite ready for sea; and I intend to go this afternoon." The officer said, "You can't; I've got your papers." Our captain said he would go; papers or not, as he was quite ready for sea. The captain said to us, "Go to dinner, men;" and the officer got into the boat, which was lying on the port side, about midships, and went aboard the 'Vanderbilt,' leaving Donaghan on board. We had begun weighing before the officers came on board, so as to have less chain to take in when we did start. We went to dinner, and after dinner—say an hour—we went to work, securing spars and water-casks and making everything fast. In less than half-an-hour after we had begun this, another boat came from the "Vanderbilt." Another officer came on board with the boat's crew, about a dozen, and they began battering about the deck, apparently taking charge of the ship. Our captain told us not to interfere. (Our crew consisted of twelve altogether, captain, mate, second mate, cook, boy, who acted as steward, carpenter, and six men.) We knocked off work when the captain told us. We did not interfere with them in any way. Some of us were on deck and others in the fore-castle, when the men on shore (who had been helping us to load) came off to us in their boat, bringing fish. They asked our

captain if they could have any meat. The captain asked the senior American officer if they could have any? The officer said, "Yes." The men from the boat went forward to where the meat was kept (in tubs between the forecabin and the galley). One of the "Vanderbilt" men came and told the senior officer that these men were taking all the meat out of the ship. They were taking too much I suspect. The officer said, "I'll be damned if they shall have any, then." Our captain was standing by, and said, "I'll be damned if they shan't then." Our captain went to where the men were trying to pass the meat over the ship's side into the boat, and the men said to him, "What shall we do here? they won't let us take it?" The captain said, "Heave it into the boat; if they stop you, I can't help it." The American officer had followed Captain Shepherd. He said to Captain Shepherd, patting him on the shoulder, "You go aft, my fine fellow; you are giving too many orders here, or I'll soon put you where the dogs won't bark at you" (tapping with his other hand on his revolver, in his belt). The captain went aft (I believe he was confined to his cabin, but I didn't hear the order given myself; I was told that a sentry was put over him with a cutlass). The chief mate (Mr. James Gray) was for'ard at this time. I suppose that somebody had told him that the captain was confined to his cabin, for he was coming aft to speak to the captain (as far as I could see). There is a low poop, and a short ladder of three steps going up from the deck to the poop on each side of the raised top of the cabin, and from the poop you go down the companion into the captain's cabin. Mr. Gray had got two steps up the ladder, on the port side, his head was turned on one side looking towards the shore (which was about 200 yards off). The American senior officer was standing on the raised top of the cabin, having a look-out over the whole of the deck. Donaghan was standing on the poop, just above the three steps, on the port side, where Mr. Gray was coming up. When he had got up these two steps, Donaghan called out, "Go down." When Gray heard this, he turned his head and looked up at Donaghan, and Donaghan repeated the words "Go down," "Go down, or I'll shoot you." He didn't give the mate time to go down or do anything—he spoke so quick, it was all done in a moment, there was no attempt to resist, or go on, there wasn't time. When he spoke the third time, "Go down," he put his left hand on Gray and pushed him. Mr. Gray fell back, wheeling round to save himself as he fell, and turning his face towards Donaghan, when Donaghan lifted his revolver and shot him, and the poor man fell back dead, and never moved an eye. The bullet had entered above and a little behind the left ear, and went downward. He lay right on his back. I was seven or eight yards from him. I stepped for'ard with two of our men to pick him up, and the senior officer, who stood on the top of the cabin, sung out, "Draw swords." His men drew their swords. They were all gathered about aft—a good lot of men. I am not quite sure whether another boat's crew had come by this time from the "Vanderbilt." When the men had drawn their cutlasses they surrounded us, and presented their pistols at our breasts. They blackguarded us awfully, and asked one of the men whether we wanted to take the ship back. They drove us for'ard when they found that we didn't make any resistance. About five minutes afterwards I went aft with another man (W. Murray) to pick Mr. Gray up, who was still lying where he fell with his head supported by our captain and our second mate. The captain (who I heard afterwards had rushed by the man at his cabin, when he heard the shot fire) held the mate's head in his lap, and looked up and said, "What did you shoot my mate for?" Donaghan said, "I'm sorry for the man, but he should obey orders." Donaghan continued, "There's some damned humbug about that boat—five men came off, and there's seven going ashore (pointing with his revolver towards the boat of the men who had come for the meat and were returning). "We ought to go ashore and do for the bloody lot of 'em, they are all 'Alabama' men; that's one of the 'Alabama's' men, too," (pointing to the body of Mr. Gray). He was very much excited at the time; he had his revolver cocked, flourishing it about every way. Mr. Gray's body was put down the after-hatch. The crew were told not to come aft, unless we spoke to one of the sentries, whom they placed all over the ship. It was nearly 2 P.M. perhaps when Mr. Gray was shot. At 8 o'clock we were all sent below, and told not to come on deck, if we didn't want to be shot, without hailing the sentry first. They kept us below all night. In the forenoon next day our captain sent forward a slip of paper asking me (in pencil) to take account of everything that went on, as he was not allowed to write, and was closely watched. I made memorandums on papers (in pencil). I don't know what became of the papers—left on board the ship, I suppose; but I think I must have destroyed them,—no, I must have taken them away with me,—for in the vessel in which I went up to the Cape I copied the statements down from these papers. The copy that I made was given to one of the reporters of the paper when he came on board at Cape Town. I never saw it afterwards. I also signed on board the "Lord of the Isles" a

combined statement which I drew up, and which was signed by myself, and Murray, and Cable. It was given up, I believe, to the Governor or other authority at the Cape. The captain had it from us, and delivered it with his own to the port boat at the Cape. They kept us on board all that day (the day after the murder). In the afternoon, about dusk, they buried Mr. Gray. They brought a coffin from the "Vanderbilt," put it into a boat, and took the captain, but none of us, and went ashore, and buried the mate. We remained on board that night too. Next day we landed on the mainland all but the second mate (David Aitcheson, of Dundee) and the cook; they were to go to New York. They landed us with fourteen or fifteen lbs. of small biscuit and about five gallons of water. That day the "Saxon" went to sea. The "Vanderbilt" had weighed anchor and had gone out in chase of a vessel, but she returned and went inside Penguin Island, and took the coals. The captain knew that there was a guano island about ten miles off. We walked across, and waived to the people there, and they sent a boat and took us off. The island is close to the shore. The men that had come for the meat had gone there. We stayed on the island about two days, when the "Isabel" (an English schooner) came in and took us down to Ichaboe, another guano island. We partly loaded a brig there called the "Lord of the Isles," and went further down in the schooner, with the brig, to Hottentots' Bay, to fill up the brig, and then went in the brig to Cape Town. There was an investigation at the magistrate's court. I gave evidence, and the captain and the two men who were close to Mr. Gray when he was shot, William Murray and Richard Cable. We were sixteen days in Cape Town. Murray and Cable came home with me in the "Cambal," but I don't know where they are—shipped in another vessel, I suppose; but I don't know. We came to London on the 6th February. I have been living since at my mother's, 3, New Terrace, Turner Street, Stepney. I am looking for a vessel every day. I have told my story, as a yarn. One day I was telling the story to a friend. A gentleman was present. He was a perfect stranger to me. I said that I was thinking of giving my evidence as I heard that there was to be an investigation. He said, "You had better go to the Secretary of the Treasury." So I came here yesterday morning, and left my address.

Treasury, February 19, 1864.

No. 29.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, February 24, 1864.

WITH reference to my despatch of the 20th instant I have to state to your Lordship that the seaman Horace Carrew will proceed to New York from Liverpool to-morrow morning by the "Inman" steam-vessel, and I have furnished him with a letter to Mr. Consul Archibald, who will report to you his arrival and take your directions in regard to him.

I inclose a copy of a further statement made by Carrew to the Solicitor of the Treasury.

Mr. Archibald is instructed as to the pecuniary allowances to be made to Carrew.

It seems doubtful whether the mate Aitcheson will be able to return to New York.

I am, &c.

(Signed) RUSSELL.

Inclosure in No. 29.

Statement of Horace Carrew.

Treasury, February 23, 1864.

AFTER Mr. Gray was killed (a few minutes) I heard the second mate (Aitcheson) tell the senior officer (Lieutenant Keith) from the "Vanderbilt" that he heard him (Keith) give the order to fire.

Keith said: "I did not." Aitcheson said, "By God, you did." Donaghan did not say one thing or the other.

I think that Aitcheson was mistaken. I didn't hear Keith give any such order, and I think I should have heard it if he did. I was near enough. There were only three of us at hand when Gray was killed. Murray and Cable were nearer than I. We ran forward when the man fell. There was nothing like a rush, or a show of violence, or

threats of any sort. It would have been folly indeed, for none of us had arms. I have heard that these skins were from Monte Video, the cargo of the "Tuscaloosa" which the "Alabama" had captured, and that she had brought the cargo into this little snug spot, and I suppose that our captain had heard of it. He told Lieutenant Bell of the "Vanderbilt" (who first came on board) that he was bound for Falmouth for orders (I heard the captain of our vessel had so said in giving his evidence at the Cape).

NORTH AMERICA.
No. 2. (1864.)

Correspondence respecting the Capture of the
"Saxon" by the United States' ship "Vander-
bilt."

*Presented to the House of Lords by Command of
Her Majesty, in pursuance of their Address
dated February 16, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

105
NORTH AMERICA.

No. 3. (1864.)

CORRESPONDENCE

RESPECTING

THE “ALABAMA.”

(In continuation of Correspondence presented to Parliament in
February 1864.)

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the "Alabama."

No. 1.

Mr. Adams to Earl Russell.—(Received January 21.)

My Lord,

Legation of the United States, London, January 20, 1864.

I HAVE the honour to submit to your Lordship's consideration copies of certain papers relating to the case of the barque "Sea Bride," of Boston, captured by the "Alabama."

It is affirmed in the depositions making a part of these papers that the "Sea Bride" was taken within the maritime jurisdiction of Great Britain, in Table Bay, at the Cape of Good Hope. It is presumed that if this fact can be established Her Majesty's Government will not hesitate to accord that full reparation to the claimants for this lawless proceeding which is justly their due.

Should it, however, turn out on a fuller investigation of the facts that the capture was not made within the jurisdiction of Great Britain, I am nevertheless instructed to present the claim under the general argument set forth in the note which I had the honour to address to your Lordship on the 23rd of October last.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 1.

Mr. Ryder to Mr. Seward.

Dear Sir,

Boston, December 16, 1863.

YOURS of the 12th ultimo was duly received and contents noticed, and would say in reply that I now forward to you all the documentary proofs of the capture of barque "Sea Bride," of Boston, by the pirate "Alabama," in British waters. The papers are made to conform to your request. The amount claimed of the English Government through you are thus:—

	Dollars.
Valuation of barque "Sea Bride"	30,000
" of charter	10,500
Stores, provisions, advance wages, personal effects, &c., belonging to Captain Charles F. White, late Master	3,393
	43,893

Respectfully, &c.

(Signed) ELISHA H. RYDER, *Attorney.*

Inclosure 2 in No. 1.

Declaration of Elisha H. Ryder.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

BE it known to all whom it may or doth concern, that on this 15th day of December, A.D. 1863, before me George Howland Folger, a Notary Public, duly commissioned and sworn in and for the county aforesaid, personally appeared Elisha H. Ryder, of Boston, in the county of Suffolk, Commonwealth of Massachusetts, who did on oath declare that he was owner of four sixty-fourth parts of the American barque "Sea Bride," of Boston aforesaid, of the burthen of 447 tons or thereabouts; and that he is agent for and represents the owners of the other portions of said barque "Sea Bride," as appears by a power of

attorney duly executed, a copy of which is herewith annexed. That the said barque was owned as follows, viz :—Elisha H. Ryder, four sixty-fourths ; Caleb Eaton, four sixty-fourths ; Grove and Choate, co-partners, one sixty-fourth ; Charles F. White, twenty-one sixty-fourths ; James Clark, two sixty-fourths ; David E. Mayo, one sixty-fourth ; William Carver, twenty-one sixty-fourths ; Jonathan Kiniston and James R. Kiniston, co-partners, six sixth-fourths ; Basset, Bacon, and Russell, co-partners, four sixty-fourths, as will be seen by reference to the Register of the barque, a copy of which is herewith annexed. That said barque “Sea Bride,” under the command of Charles F. White, sailed from the port of New York on the 28th May last past, laden with a general cargo and bound to the port of Table Bay, Cape of Good Hope, one of the Colonies of the Kingdom of Great Britain ; that the voyage was performed without any particular occurrence until noon of the third day of August last, when they sighted Table Mountain and made for Table Bay ; but on the night of fourth day of said month, on account of the darkness, it was deemed advisable for the vessel to keep off for the night. On the morning of the fifth day they again stood in for the land. At about 2 P.M., they saw a steamer coming towards them, which they supposed to be the English mail-steamer, but they soon found her to be the Confederate steamer “Alabama.” A gun was fired from the steamer and a demand was made for the “Sea Bride” to heave-to, which not being complied with another gun was fired, and the commander of the steamer threatened to shoot the crew of the “Sea Bride” if they refused. Two boats were then lowered from the steamer, and sent on board the barque, which in the meantime had been hove-to. The officer in charge of the boats, on his arrival on board the barque ordered one of his crew to haul down the flag, and also ordered the captain of the barque to take his papers on board the “Alabama,” which was done at about a quarter before 3 P.M., when the position of the barque within Table Bay was as follows :—Green Point Lighthouse, bearing south by east ; Robin Island Lighthouse, bearing north-east. The barque being at the time of her capture in neutral water, or according to bearings within three miles of the land, where she was seized, captured, and taken possession of in the port of a friendly Power where she was bound, by the Confederate steamer “Alabama” aforesaid, as will be seen by reference to the protest of the master, made before the United States Consul at Cape Town, a certified copy of which is herewith annexed. That by this seizure and confiscation this appearer and the other owners, whom he represents, have suffered injury and loss to the amount of 40,500 dollars, as follows :—By the seizure and capture of the barque aforesaid, 30,000 dollars, as per estimate of Ebenezer Davis, Esq., Marine Inspector of the Boston Board of Underwriters, certificate of which is herewith annexed. And the further sum of 10,500 dollars, being the amount due under the charter-party, a copy of which is herewith annexed, making the aforesaid sum of 40,500 dollars.

And now the said appearer, Elisha H. Ryder, in behalf of himself and the other owners whom he represents, prefers a claim against the Government of the Kingdom of Great Britain, holding them responsible for all losses and expenses arising from the seizure of the vessel aforesaid, this appearer and those he represents being themselves ready to furnish any additional proof desired in the premises, and the said appearer believes and claims, that according to the law of nations and in equity, the Government of the Kingdom of Great Britain is bound to indemnify, and hold him and those he represents harmless for all losses, together with interest and expenses in consequence of the seizure herein set forth.

And, furthermore, the said Elisha H. Ryder, in behalf of Charles F. White, late master of said barque “Sea Bride,” makes claim for his loss of charts, nautical instruments, clothing, books, and stores, together with sundry expenses and losses incurred by him to the amount of 3,393 dollars, seized with and in consequence of the seizure of the said barque “Sea Bride,” and belonging to him the said Charles F. White, a statement of which under oath is herewith annexed.

In testimony whereof I herewith set my hand and notarial seal at Boston, this 15th day of December, A.D. 1863, and the said Elisha H. Ryder has affixed his name, having solemnly sworn to the truth of the foregoing declaration.

(Signed)

ELISHA H. RYDER.

(Signed)

GEORGE H. FOLGER, *Notary Public and Justice of the Peace.*

Inclosure 3 in No. 1.

Special Power of Attorney.

KNOW all men by these presents, that we, Caleb Eaton, Abiel Gove, and Elbridge G. Choate, co-partners; Charles F. White, all of Boston, in the Commonwealth of Massachusetts; James Clark, of Charleston, David E. Mayo, of Chelsea, William Cunner, Jonathan Kenniston, and James R. Kenniston, co-partners, of Newburyport in the Commonwealth aforesaid; Zenas D. Bassett, Elisha Bacon, William S. Russell, co-partners, of the City and State of New York, with Elisha H. Ryder, of Boston commonwealth aforesaid, the sole owners of the American barque "Sea Bride," of Boston aforesaid, of the burden of 447 tons or thereabouts, that the said barque was owned in the following proportions, viz.:—the said Ryder, four sixty-fourths; Eaton, four sixty-fourths; Grove and Choate, co-partners, one sixty-fourth; White, twenty-one sixty-fourths; Clark, two sixty-fourths; Mayo, one sixty-fourth; Cunner, twenty-one sixty-fourths; Kenniston and Kenniston, co-partners, six sixty-fourths; Bassett, Bacon, and Russell, co-partners, four sixty-fourths; have appointed, constituted, ordained, and made, and in our stead put Elisha H. Ryder, aforesaid, to be our true, sufficient, and lawful attorney for us, and in our name and stead, to ask, demand, sue for, collect and receive, all such sum or sums of money, debts, dues, and other demands, which are or shall be due, owing, payable, and belonging to us the constituency or owners of the barque "Sea Bride," and especially to ask, demand, sue for and collect, from and against the Government of the United States of America, or against any officer or officers acting for or on behalf of said Government, and further, provided it may or shall become necessary so to do, by reason of any request or direction of or from said United States' Government, or its agents or officers, then to ask, demand, sue for, and collect from and against the Government of Great Britain, or against any officer or officers acting under or in behalf of said last named Government, and in our names or otherwise to sign, execute, and deliver any releases and discharges, whether under seal or otherwise, giving and granting unto our said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as we might or could do if personally present, with full power of substitution and revocation, hereby satisfying and confirming all that our said attorney or his substitutes shall lawfully do, or cause to be done by virtue hereof.

In testimony whereof we have hereunto set our hands and seals, this third of November, A.D. 1863.

Witness our hands and seals.

(Signed)

CALEB EATON.

ABIEL GOVE.

ELBRIDGE G. CHOATE.

CHARLES F. WHITE.

ROSENA CLARKE, administratrix of the estate of JAMES CLARKE.

DAVID E. MAYO.

WM. CUNNER.

JONATHAN KENNISTON.

JAMES R. KENNISTON.

ZENAS D. BASSETT.

ELISHA BACON.

W. S. RUSSELL.

Witnesses:

(Signed)

T. F. BROWN.

T. F. BROWN.

L. NICKERSON.

L. NICKERSON.

L. NICKERSON.

County and State of New York.

On this third day of November, 1863. Before me, Thomas H. Armstrong, a public notary in and for the city and county and State of New York, residing in the city of New York, personally came Zenas D. Bassett, John Elisha Bacon, and William S. Russell, to me known to be the individuals described, and who executed the within instrument, and severally acknowledged that they executed the same of their free act and deed.

(Signed)

THOMAS H. ARMSTRONG, *Notary Public.*

Commonwealth of Massachusetts, Essex, ss.

Be it known that on the seventh day of November, in the year of Our Lord 1863, before me John T. Brown, a notary public, duly commissioned and sworn and residing in the city of Newburyport, county and state aforesaid, personally appeared Jonathan Keniston, and James R. Keniston, of said Newburyport, and personally known to me as the true and lawful owners of three thirty-second parts of said barque "Sea Bride," and acknowledged the foregoing power of attorney by them signed and sealed, to be their free act and deed. In testimony whereof I have hereunto set my name and affixed my notarial seal this seventh day of November in the year of Our Lord 1863.

(Signed) JOHN T. BROWN, *Notary Public.*

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

Before me George Howland Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, personally appeared Caleb Eaton, Abiel Grove, Elbridge G. Choate, Charles F. White, Rosena Clarke, administratrix of the estate of the late James Clark, David E. Mayo, and William Cunner, to me known to be the individuals described in and who in my presence signed and executed the foregoing power of attorney, and severally acknowledged the same to be their free act and deed.

In testimony whereof I have hereunto set my hand and notarial seal in the city of Boston, this tenth day of November, A.D. 1863.

(Signed) GEORGE H. FOLGER, *Notary Public and Justice of the Peace.*

Commonwealth of Massachusetts, Middlesex, ss.

Probate Court.

To Rosena Clark, of Charleston, in the county and commonwealth aforesaid, widow, greeting,

Trusting in your care and fidelity, I William A. Richardson, Esq., Judge of the Probate Court in and for said county of Middlesex, by virtue of the power and authority vested in me, do hereby ordain, constitute, and appoint you to be administratrix of the estate of James Clark, late of Charleston, in said county of Middlesex, painter, deceased and intestate. And you are ordered to make and return into said Probate Court, within three months from the date hereof, a true inventory of all the real estate, and all the goods, chattels, rights and credits of said deceased, which have or shall come to your possession or knowledge. To administer according to law all the goods, chattels, rights, and credits of said deceased, and the proceeds of all his real estate that may be sold for the payment of his debts, which shall at any time come to your possession, or that of any other person for you. To render upon oath a true account of your administration within one year from the date hereof, and at any other times when required by the said Court to pay any balance remaining in your hands upon the settlement of your accounts to such persons as said Court shall direct. To deliver these letters of administration into said Court, in case any will of said deceased shall be hereafter duly proved and allowed; and also within three months to cause notice of your appointment to be posted in two or more public places in the city or town in which said deceased last dwelt, and within one year to return your affidavits of having given such notice with a copy thereof to the Probate Office.

In witness whereof I have hereunto set my hand, and caused the seal of said Court to be affixed at Cambridge, this twenty-sixth day of August, in the year A.D. 1863.

(Signed) WILLIAM A. RICHARDSON, *Judge of Probate.*
(Countersigned) T. H. TYLER, *Registrar.*

Suffolk, ss.

I, George H. Folger, a notary public duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of the original letters of administration to Rosena Clark, administratrix to the estate of James Clark, deceased, now before me.

In testimony whereof I have herewith set my hand and notarial seal, this tenth day of November, A.D. 1863.

(Signed) GEORGE H. FOLGER, *Notary Public.*

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

I, George Howland Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of an original power of attorney from owners of barque "Sea Bride," to Elisha H. Ryder, now before me.

In testimony whereof I have hereunto set my hand and notarial seal, this tenth day of November, A.D. 1863.

(Signed) **GEORGE H. FOLGER**, *Notary Public and
Justice of the Peace.*

Inclosure 4 in No. 1.

Registry of Vessels, United States.

(No. 110. Permanent.)

In pursuance of an Act of the Congress of the United States of America entitled an "Act concerning the Registering and Recording of Ships or Vessels," Elisha H. Ryder, four sixty-fourths, of Boston, State of Massachusetts, having taken and subscribed the oath required by the said Act, and having sworn that he, together with Caleb Eaton, four sixty-fourths, Abiel Gove, Elbridge G. Choate, co-partners, one sixty-fourth, Charles F. White, twenty-one sixty-fourths, of said Boston, James Clark, two sixty-fourths, of Charleston, David E. Mayo, one sixty-fourth, of Chelsea, William Cunner, twenty-one sixty-fourths, Jonathan Keniston and James R. Keniston, co-partners, six sixty-fourths, of Newburyport, State aforesaid, Zenas D. Bassett, Elisha Bacon, and William J. Russell, captains, four sixty-fourths of City and State of New York, are the only owners of the ship or vessel called the "Sea Bride" of Boston, whereof Serenus W. Mayo is at present master, and a citizen of the United States, as he hath sworn, and that the said ship or vessel was built at said Newburyport, A.D. 1860 and 1861, as per enrolment No. 39 issued at this office this day, now cancelled. Property partially changed, and said enrolment having certified that the said ship or vessel has one deck, three masts, and that her length is 130 feet $4\frac{1}{2}$ inches, her breadth 28 feet 3 inches, her depth 13 feet 3 inches, and that she measures $447\frac{2}{5}$ tons, that she is a barque, has an elliptic stern, and a billet head.

And the said Elisha H. Ryder having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said Act, the said barque has been duly registered at the port of Boston and Charleston.

Given under our hands and seals at the ports of Boston and Charleston this 27th day of May in the year 1863.

(Signed) **F. BIGGER**, *Registrar.*
JAS. S. WHITNEY, *Collector.*
C. D. LINCOLN, *Dep. Naval Officer.*

Endorsed as follows :

*Custom-House, Boston, Collector's Office,
October 29, 1863.*

This is to certify that the within is a copy of the original, as appears by the records of this office.

Given under my hand and seal the day and year above written.

(Signed) **J. Z. GOODRICH.**

Inclosure 5 in No. 1.

Declaration of Charles F. White.

Port of Cape Town.

ON this 6th day of August in the year of our Lord 1863, before me, Walter Graham, Consul of the United States of America for Cape Town and the dependencies thereof, personally appeared Charles F. White, master of the barque "Sea Bride" of Boston, of the burden of $447\frac{2}{5}$ tons, or thereabouts, and declared that on the 28th day of May he sailed in and with the said ship from the port of New York with general cargo, and arrived off Table Bay on the evening of the 4th instant, and having been captured so close to the shore by the Confederate steamer "Alabama," hereby enters this note of protest against

said capture as illegal, reserving his right to extend said protest at time and place convenient if found necessary.

(Signed) CHARLES F. WHITE,
Master of barque "*Sea Bride*."

Attested :
(Signed) WALTER GRAHAM, *United States' Consul*.

AND be it further made known that on this 7th day of August aforesaid, together with the above named Charles F. White, master, also came John Scofield, chief mate, and Richard White, second mate of and belonging to said barque, who declared on oath that on the 28th day of May last past, in their capacity aforesaid, they sailed in and with the said barque from the port of New York laden with general cargo, and bound for the port of Table Bay; that they proceeded on their voyage without any particular occurrence until noon of the 3rd instant, when they sighted Table Mountain and made for Table Bay; but on the night of the 4th instant, on account of darkness, they deemed it advisable to keep off for the night; but on the morning of the 5th they stood in for the land. At about 2 P.M. they saw a steamer coming towards them, which they considered to be the English mail-steamer, but they soon found her to be the Confederate steamer "*Alabama*." A gun was fired, and a demand was made to heave-to, which as they the said appearers did not comply with, another gun was fired, and the commander of the said steamer threatened to shoot them if they refused. The barque was then hove-to. Two boats were lowered from the steamer, and sent on board the barque, when the officer in charge of them ordered one of his crew to haul down the flag, and ordered the captain to take his papers on board the "*Alabama*," which was done at about a quarter before three, when the position of the barque was as follows:—

Green Point Lighthouse bearing south by east, Robbins Island Lighthouse bearing north-east. The said appearers did further protest against the said capture as illegal. Said barque was at the time in neutral waters, or according to bearings within three miles of the land.

And these appearers did further allege, declare, and say that they together with other of the ship's company used their best endeavours to bring the said barque into Table Bay, but were prevented by said capture.

(Signed) CHARLES F. WHITE, *Master*.
JOHN SCOFIELD, *1st Mate*.
RICHARD R. WHITE, *2nd Mate*.

Thus done and protested before me, Walter Graham, United States' Consul at Cape Town, this 7th day of August, 1863.

(Signed) WALTER GRAHAM, *United States' Consul*.

Commonwealth of Massachusetts, Suffolk, ss.

I, George H. Folger, a Notary Public duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of the protest of bark "*Sea Bride*," with the signature and seal of United States' Consul, late at Cape Town, now before me.

In testimony whereof I have hereunto set my hand and notarial seal at Boston, this 10th day of November, A.D. 1863.

(Signed) GEORGE H. FOLGER, *Notary Public*.

Inclosure 6 in No. 1.

Certificate.

*Marine Inspector's Office, 76, State Street,
Boston, October 30, 1863.*

I HEREBY certify to all whom it may concern that the bark "*Sea Bride*," of Boston, captured by the Confederate steamer "*Alabama*," August 5, 1863, was built at Newburyport (launched) March, 1861, was 447 tons. Her frame and outboard plank were all white oak, deckframe and ceiling were yellow pine, was fastened in a most thorough manner with copper and iron and through tree nails, was sheathed with yellow metal when new

to $9\frac{1}{2}$ and $10\frac{1}{2}$ feet, was in all respects a very superior vessel, and in my opinion was worth when she sailed on her last voyage thirty thousand dollars.

Rated in our Boston reports A 1.

(Signed)

EBR. DAVIS, *Marine Inspector for the Boston
Associated Board of Underwriters.*

Inclosure 7 in No. 1.

Charter-Party, &c.

THE Charter-Party made and concluded upon in the City of New York, the 26th day of May, in the year 1863, between Charles F. White and acting owner of the "Sea Bride," of Boston, of 447 tons or thereabouts register measurement, now lying in the harbour of New York, of the first part, and Messrs. Rufus, Green, and Co., of Providence, Rhode Island, of the second part, witnesseth that the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the said party of the second part, do covenant and agree on the freighting and chartering of the said vessel unto the said party of the second part for a voyage from New York to Cape Town, Zanzibar, and back to Providence, Rhode Island, on the following terms:—

1. The said party of the first part do engage that the said vessel in and during the said voyage shall be kept tight, staunch, well fitted, tackled and provided with every requisite and with men and provisions necessary for such voyage.

2. The said party of the first part do further engage that the whole space of said vessel (with the exception of the cabin and the necessary room for the accommodation of the crew, and the stowage of the sails, cables, and provisions) shall be at the sole use and disposal of the said party of the second part during the voyage aforesaid, and that no goods or merchandize whatever shall be laden on board, otherwise than from the said party of the second part or their agents, without their consent, on pain of forfeiture of the amount of freight agreed upon for the same.

3rd. The said party of the first part do further engage to take and receive on board the said vessel, during the aforesaid voyage, all such lawful goods and merchandize as the said party of the second part or their agents may think proper to ship.

And the said party of the second part, for and in consideration of the covenants and agreements to be kept and performed by the said party of the first part, do covenant and agree with the said party of the first part to charter and hire the said vessel as aforesaid on terms following, that is to say:—

1. The said party of the second part do engage to provide and furnish to the said vessel cargo sufficient, at least, for ballast in foreign ports.

2. The said party of the second part do further engage to pay to the said party of the first part, his agents, for the charter or freight of the said vessel during the voyage aforesaid in manner following, that is to say, 10,500 dollars, one-fourth of which is earned and due on the discharge of cargo at Cape Town, and one-half of which is earned and due on discharge of cargo at Zanzibar, but payable at Providence on the return of the vessel, or news of her loss, and the balance on discharge of the cargo at Providence; also pay all foreign pilotages, port charges, lighterages, and Consul's fees, charterers to have the privilege of one passenger out and home.

It is further agreed between the parties to this instrument that the said party of the second part shall be allowed for the loading and discharging of the vessel at the respective ports aforesaid, lay days as follows, that is to say, sufficient time for loading at New York, 30 running days for discharging and loading at Cape Town and Zanzibar, and despatch in discharging at Providence, Rhode Island. And in case the vessel is longer detained the said party of the second part agrees to pay to the said party of the first part demurrage at the rate of 1,400 dollars per month, by day for every day so detained, provided such detention shall happen by default of the said party of the second part or their agents.

It is also further understood and agreed that the cargo or cargoes shall be received and delivered alongside of the vessel within reach of her tackles, or according to custom and usages at the ports of loading and discharging. It is understood that the charterers are to pay on account of this charter sufficient money, not to exceed 1,000 dollars, free of commission, interest, or exchange, to disburse her at Cape Town and Zanzibar, to be deducted from the charter on the return of the vessel. The vessel to be consigned to the charterers' agents free of commissions.

To the true performance of all and every of the foregoing covenants and agreements
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the said parties each to the other do hereby bind themselves, their heirs, executors, administrators, and assigns (especially the said party of the first part, the said vessel, her freight, tackle, and appurtenances, and the said party of the second part the merchandize to be laden on board), each to the other in the penal sum of 10,500 dollars.

In witness whereof the said parties have hereunto interchangeably set their hands this 26th May, 1863.

(Signed)

RUFUS GREENE & Co.
CHARLES F. WHITE.

Delivered in the presence of

(Signed) L. MICKERSON.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

I, George H. Folger, a Notary Public, duly commissioned and sworn in and for the county aforesaid, do hereby certify the foregoing to be a true and exact copy of an original charter-party of barque "Sea Bride," now before me.

In testimony whereof I have hereunto set my hand and notarial seal at Boston, this 10th day of November, A.D. 1863.

(Signed) GEORGE H. FOLGER, *Notary Public.*

Inclosure 8 in No. 1.

LIST of stores and personal effects belonging to Charles F. White, late master of the bark "Sea Bride," of Boston, which vessel, together with the effects of the Undersigned, as also her cargo, was seized and captured by the Confederate steamer "Alabama," on the 5th day of August, A.D. 1863, in Table Bay, Cape of Good Hope, one of the Colonies of the Kingdom of Great Britain, as is fully set forth in the protest of the Captain and Officers of said barque extended before the American Consul at Cape Town, to which reference is respectfully made:—

	Dollars.		Dollars.
Stores and provisions on board for the voyage out and home, valued as per bill	1,600 0	Barometer and thermometer ..	20 0
1 Brass cannon, 1,100 lbs. ..	450 0	2 Beds, one hair and one feather ..	75 0
1 Gun	12 0	Personal clothing	50 0
1 Rifle	20 0	Scale and dividers	2 0
1 Chronometer	180 0	Nautical books	20 0
1 Barometer and 1 spy-glass ..	20 0	Pair of pistols	30 0
1 Hosburg	40 0	Advance wages paid to mates and crew ..	380 0
1 Coast Pilot and Epitome ..	9 0	160 lbs. tobacco	80 0
1 North Atlantic Navigator ..	5 0	Board paid at Cape Town after capture ..	75 0
1 Sextant	125 0	Passage from Cape Town to United States	130 0
1 Octaret	20 0		
Several charts	50 0		
		Dollars ..	3,393 0

(Signed)

CHARLES F. WHITE.

Boston, December 15, 1863.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

Before me, George Howland Folger, a Notary Public, duly commissioned and sworn in and for the county aforesaid, personally appeared Charles F. White, late master of the bark "Sea Bride" of Boston, and made solemn oath, that by the capture of the said bark by the Confederate steamer "Alabama," in Table Bay, the said appearer lost thereby his property and effects heretofore set forth, and that they were worth to him at the time of capture, the sum of 3,393 dollars

In testimony whereof I have hereunto set my hand and notarial seal, at Boston, this 15th day of December, A.D. 1863.

(Signed) GEORGE H. FOLGER, *Notary Public and Justice of the Peace.*

Her Britannic Majesty's Consulate, States of Massachusetts and Rhode Island.

I, Francis Lousada, Her Britannic Majesty's Consul for the States of Massachusetts and Rhode Island, do hereby certify that George H. Folger, Esquire, of Boston, is a Notary Public for the county of Suffolk, Massachusetts, duly qualified, and that to his acts and

attestations as such full credit and faith is due, and must be given; and I further certify that the within annexed is his genuine signature and notarial seal.

In testimony whereof I have hereunto set my hand, and affixed my seal of office, at Boston, this 16th day of December, in the year of our Lord 1863.

(Signed) F. LOUSADA, *Her Britannic Majesty's Consul for Massachusetts and Rhode Island.*

Inclosure 9 in No. 1.

Messrs. Green & Co. to Mr. Seward.

Sir,

Providence, Rhode Island, December 17, 1863.

ACCOMPANYING this, we forward for the attention of the Department, documental evidence of the capture, seizure and loss of the cargo of the bark "Sea Bride," of Boston, an act we believe to have been committed within neutral limits of the waters at Table Bay, to wit, within three miles of land, and our loss and damage we believe the Government of Great Britain to be liable and responsible for, by their authorities at the Cape disregarding the protest of the master and officers of said vessel, and also of the American Consul, against the illegal seizure of said vessel and cargo.

We, shippers of the cargo, therefore beg the attention of the Department, and pray that the facts set forth and sworn to in the papers, with our demand and claim for loss and damage sustained in consequence thereof, may be made on the Government of Great Britain, through the proper Department of the American Government.

All of which is respectfully submitted by yours, &c.

(Signed) RUFUS GREENE & Co.,
Of Providence, Rhode Island.

Inclosure 10 in No. 1.

Declaration of Rufus Greene.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

BE it known to all whom it doth or may concern, that on this 13th day of December, A.D. 1863, before me, George Howland Folger, a Notary Public, duly commissioned and sworn in and for the county aforesaid, personally appeared Rufus Greene, of the city of Providence, in the State of Rhode Island, one of the partners, and representing the mercantile house or firm of Rufus Greene and Co., transacting, and having their place of, business in Providence aforesaid, the said mercantile firm consisting of Rufus Greene, William S. Arnold, and Benjamin R. Arnold, co-partners, who did on oath declare that the said firm did ship, from the port of New York, on board of the bark "Sea Bride," belonging to the port of Boston, and commanded by Charles F. White, and bound to Cape Town and Zanzibar, a cargo of assorted merchandize of the value of 36,945 $\frac{12}{100}$ dollars, as will be seen by the invoice, a certified copy of which is herewith annexed; that the said bark proceeded on the voyage aforesaid, having sailed from New York on the 25th May last past, meeting with no particular occurrence until noon of the 3rd day of August, when they sighted Table Mountain, and made for Table Bay; but on the night of the 4th day of said month, on account of the darkness, it was deemed advisable for the vessel to keep off for the night. On the morning of the 5th day they again stood in for the land. At about 2 P.M. they saw a steamer coming towards them, which they supposed to be the English mail-steamer, but they soon found it to be the Confederate steamer "Alabama." A gun was fired from the steamer, and a demand made for the "Sea Bride" to heave-to, which not being complied with another gun was fired, and the commander of the war steamer threatened to shoot the crew of the "Sea Bride" if they refused. The bark then hove-to, and two boats were then lowered from the steamer and sent on board the bark. The officer in charge of the boats on his arrival on board the bark directed one of his crew to haul down the flag, and ordered the captain of the bark to take his papers on board the "Alabama," which was done at about a quarter before 3 P.M. when the position of the bark within Table Bay was as follows:—Green Point Lighthouse bearing south by east, Robben's Island Lighthouse bearing north-east, the bark being at the time of her capture in neutral waters, or according to bearings within three miles of the land, when she was seized, captured, and taken possession of in the port of a friendly Power where she was bound, one of the Colonies of Great Britain, by the piratical Confederate

steamer "Alabama" aforesaid, as will be seen by reference to the protest of the master made before the United States' Consul at Cape Town, a certified copy of which is herewith annexed. That by this seizure this appearer and those whom he represents have suffered injury and loss to the amount of 49,445 $\frac{12}{100}$ dollars, as follows: by the seizure of the cargo before mentioned of the invoice value of 36,945 $\frac{12}{100}$ dollars, and a further loss in consequence of the non-arrival of the cargo at its ports of destination of the sum of 8,500 dollars, making the aforesaid sum of 44,445 $\frac{12}{100}$ dollars.

And now the said appearer, Rufus Greene, in behalf of himself and the other members of his mercantile firm whom he represents, prefers a claim against the Government of the Kingdom of Great Britain, holding them responsible for all losses and expenses arising from the seizure of the cargo aforesaid: this appearer, and those he represents, holding themselves ready to furnish any additional proof desired in the premises, and the said appearer believes and claims that according to the law of nations, and in equity, the Government of the Kingdom of Great Britain is bound to indemnify and hold them harmless for all losses, together with interest and expenses, in consequence of the seizure herein set forth.

In testimony whereof I have hereunto set my hand and notarial seal at Boston, the year and day above written; and the said Rufus Greene hath affixed his name, having solemnly sworn to the truth of the foregoing declaration.

(Signed) GEORGE H. FOLGER, *Notary Public and Justice of the Peace.*

*Her Britannic Majesty's Consulate, States of Massachusetts
and Rhode Island.*

I, Francis Lousada, Her Britannic Majesty's Consul for the States of Massachusetts and Rhode Island, do hereby certify that George H. Folger, Esquire, of Boston, is a Notary Public for the county of Suffolk, Massachusetts, duly qualified, and that to his acts and attestations, as such, full credit and faith is due and must be given, and I further certify that the within annexed is his genuine signature and notarial seal.

In testimony I have hereunto set my hand and affixed my seal of office, at Boston, this 16th day of December, in the year of our Lord 1863.

(Signed) F. LOUSADA, *Her Britannic Majesty's Consul for Massachusetts
and Rhode Island.*

Inclosure 11 in No. 1.

INVOICE of Cargo laden on board the barque "Sea Bride," White, Master, bound to Cape Town and Zanzibar, Henry Spaulding, Supercargo, on board.

New York, May 25, 1863.

	Dol.	c.
200 lbs. flour, Mt. Vernon, for Zanzibar, at 9 dollars	1,800	0
1000 " " La Favista and Oscawanna, at 7 dollars 50 cents	7,500	0
95 boxes N. cheese, 1,034 lbs., at 16 cents	134	84
35 " E. D. ditto, 705 lbs., at 15 cents	105	75
346 " candles, adamantine, 20 lbs. each, at 20 cents	1,384	0
500 " ex. family soap, 16 lbs. each, at 1 cent	600	0
28 bales hops, 5,833 lbs. each, 22 cents	1,283	26
10 tierces smoked hams, 2,899 lbs. each, 12 cents	347	88
50 barrels prime pork, at 12 dollars each	600	0
50 " Exceiless beef, at 30 dollars 50 cents each	675	0
2 cases, 120 pairs, men's split brogans, at 1 dollar 25 cents each	150	0
1 " 60 " " goat ditto, at 1 dollar 40 cents	84	0
2 " No. 1, 24 pairs, 300 lbs., beams, 3 dollars each	72	0
2 " No. 2, 18 pairs, " "	81	0
2 bundles frames for beams " "	12	0
2 bottoms " "	13	0
2 cases 50 beams and weight	93	75
2 platform scales and 2 weights	28	90
100 kegs white lead, 25 lbs. each, 2,500 lbs., at 8 cents	200	0
4 cases glass beads, 1,440 bunches, at 21 cents each	302	40
4 iron barrels caustic soda, 2,399 lbs.	175	13
1 case 8 reams paper, order	121	75
48 boxes and 2 packages clocks, 297 clocks	1,078	75
2 cases compo nails, 200 lbs., order	58	0
1 case 115 chak. yellow metal, 615 lbs., at 29 cents	178	35

						Dolls.	c.
1 silver hunting watch, order	..	..	..	..	..	15	0
1 gold " "	..	..	..	..	..	58	0
1 barrel containing lamp, fixtures, and oil, order	..	..	..	..	..	19	50
1 box 20 gallons coal oil, order	..	..	..	..	..	13	0
1 case lamps and fixtures	..	..	..	..	..	19	50
1 package 3 dozen knives, order	..	..	..	..	..	24	50
24 boxes crackers assd., 8,000 lbs.	..	..	..	..	..	1,102	17
2 walking-canes, order	..	..	..	..	..	15	0
31 half-boxes tobacco, H. Buckley and Co., 2,493 lbs., at 55 dollars	..	..	..	..	..	1,371	15
100 three-quarter boxes ditto, our own, 11,715 lbs., at 40 dollars	..	..	..	..	..	4,686	0
75 " " Fairmount, 9,013 lbs., at 35 dollars	..	..	..	..	..	3,154	55
26 cases ditto Excelsior, 4,063 lbs., at 45 dollars	..	..	..	..	..	1,828	35
41,000 hogsheads staves, at 80 dollars per 1,000	..	..	..	..	..	3,280	0
10,000 " heading " "	..	..	..	..	..	800	0
1 case brushes	..	..	..	..	..	60	25
1 " stationery, order	..	..	..	..	..	29	25
2 dozen tins	..	..	..	..	..	1	50
						<u>\$33,586</u>	<u>48</u>
10 per cent. advance						..	3,358 64
						<u>\$36,945</u>	<u>12</u>

Invoice of cargo per "Sea Bride," Charles F. White, Master, consigned Henry Spaulding, supercargo, on board, to proceed to Cape Town; transact the business according to memorandum, using despatch for the vessel, and consigning all proceeds of sales and advances, with remainder of cargo, to Wm. E. Hines, the Shipping Agent at Zanzibar.

New York, May 27, 1863.

(Signed) RUFUS GREENE & Co.

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

Before me, George H. Folger, a Notary Public, duly commissioned and sworn in and for the county aforesaid, personally appeared Rufus Greene, of the mercantile house of Rufus Greene, and Co., of the City of Providence, in the State of Rhode Island, and made solemn oath that the foregoing is a true and correct copy of an Invoice of cargo, shipped by their firm on board the barque "Sea Bride," which vessel was seized and captured by the Confederate steamer "Alabama," in Table Bay, Cape of Good Hope, one of the colonies of the Kingdom of Great Britain, that the said firm lost thereby the property above set forth, and that they were worth to said firm, at the time of capture, a sum exceeding the amount stated in the invoice.

In testimony whereof I have hereunto set my hand and notarial seal at Boston, this 15th day of December, A.D. 1863; and the said Rufus Greene has also affixed his name, having solemnly sworn to the truth of the foregoing declaration.

(Signed) GEORGE H. FOLGER, *Notary Public and Justice of the Peace.*
RUFUS GREENE.

Inclosure 12 in No. 1.

Declaration of Charles F. White.

Port of Cape Town.

ON this 6th day of August, in the year of our Lord 1863, before me, Walter Graham, Consul of the United States of America for Cape Town, and the dependencies thereof, personally appeared Charles F. White, Master of the barque "Sea Bride," of Boston, of the burden of 447 $\frac{2}{95}$ tons, or thereabouts, and declared that on the 28th day of May he sailed in and with the said ship from the port of New York, with general cargo, and arrived off Table Bay on the evening of the 4th instant, and having been captured so close to the shore by the Confederate steamer "Alabama," hereby enters this note of protest against said capture as illegal, reserving his right to extend said protest at time and place convenient if found necessary.

(Signed) CHARLES F. WHITE,

Attested:

Master of the barque "Sea Bride."

(Signed)

WALTER GRAHAM, *United States' Consul.*

And be it further made known that on this 7th day of August aforesaid, together with the above named Charles F. White, master, also came John Scofield, chief mate, and Richard White, second mate, of and belonging to said barque, who declare on oath that on the 28th day of May last past, in their capacity aforesaid, they sailed in and with said barque from the port of New York, laden with general cargo, and bound to the port of Table Bay; that they proceeded on their voyage, without any particular occurrence, until noon of the 3rd instant, when they sighted Table Mountain, and made for Table Bay; but on the night of the 4th instant, on account of the darkness, they deemed it advisable to keep off for the night, but on the morning of the 5th they stood in for the land. At about 2 P.M. they saw a steamer coming towards them which they considered to be the English mail-steamer, but they soon found her to be Confederate steamer "Alabama." A gun was fired, and a demand was made to heave-to, which, as the said appearers did not comply with, another gun was fired, and the commander of said steamer threatened to shoot them if they refused.

The barque was then hove-to. Two boats were lowered from the steamer, and sent on board the barque, when the officer in charge of them ordered one of his crew to haul down the flag, and ordered the captain to take his papers on board the "Alabama," which was done at about a quarter before three, when the position of the barque was as follows:—

Green Point Lighthouse bearing south by east; Robben's Island Lighthouse bearing north east.

The said appearers did further protest against the said capture as illegal; said barque was at the time in neutral waters, or according to bearings within three miles of the land.

And these appearers did further allege, declare, and say that they, together with others of the ship's company, used their best endeavours to bring the said barque into Table Bay, but were prevented by said capture.

(Signed)

CHARLES F. WHITE, *Master.*

JOHN SCOFIELD, *1st Mate.*

RICHARD R. WHITE, *2nd Mate.*

Thus done and protested before me, Walter Graham, United States' Consul at Cape Town, this 7th day of August, 1863.

(Signed)

WALTER GRAHAM, *United States' Consul.*

United States of America, Commonwealth of Massachusetts, Suffolk, ss.

I, George H. Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of the protest of the bark "Sea Bride," with the signature and seal of the United States' Consulate at Cape Town now before me.

In testimony whereof I have hereunto set my hand and notarial seal at Boston, this 15th day of December, A.D. 1863.

(Signed)

GEORGE H. FOLGER, *Notary Public.*

Inclosure 13 in No. 1.

Extrazt from the Cape "Argus" of September 19, 1863.

THE "ALABAMA" AGAIN IN SIMON'S BAY. HER DOINGS ON HER RECENT CRUIZE. SALE OF THE "SEA BRIDE" AND HER CARGO.

(From our Special Correspondent.)

Simon's Bay, September 18, 1863.

HERE we have the "Alabama" once more lying at her anchorage within 300 yards of Grout's Hotel and within pretty nearly the same distance off Hood Bay, just on the other side of the Point. We have the Federal "Vanderbilt" cruising about in search of the famous Confederate. So it would appear that if there has not been actual fighting outside, as it was reported there had been, the steamers have been within an ace of coming into collision.

The arrival of the "Alabama" has created quite a stir throughout the place. It seems as if there was something doing once more. The officers are on shore stretching their legs

a bit, and enjoying themselves in various ways, and on board all hands are at work cleaning, painting, and trimming the ship. There have been a hundred stories afloat since the "Alabama" left and the "Vanderbilt" arrived, as to the movement of the ships. And although there was no truth in the rumour of a fight having taken place a day or two ago, nor in a good deal besides that has been said about the "Alabama," it appears that rumour was pretty well informed on a few points, and especially with regard to the "Sea Bride" and the "Tuscaloosa." With a view of ascertaining the exact state of the facts, I took a run down here on Thursday evening; found Captain Semmes on board his ship, and heard from his own lips an account of what he has done since he left the bay; what has become of his prizes, and what his future movements are likely to be.

It appears that when he left False Bay he resolved to spend a few days in looking after Federal merchantmen coming from the east, and thinking L'Aquillas the most likely place to fall in with them he took up a position off that point. The "Tuscaloosa" and the "Sea Bride" had been previously ordered to go to Angra Pequena.

The object of sending the "Tuscaloosa" there was to get wool taken out of her and replaced by ballast, and then to send her cruising as before. Captain Semmes had previously had an offer for the "Sea Bride" which he resolved to accept. He says that his desire was, and is, to observe strictly the laws of neutrality, and to do nothing which can possibly give offence to the British authorities. Angra Pequena belongs as much to Captain Semmes as to the British Government, or perhaps anybody else, and any transaction there could give no ground of complaint to Governor Wodehouse, Admiral Walker, or the Imperial Government. A day was fixed for both the "Tuscaloosa" and "Sea Bride" to be at anchor in the harbour of Angra Pequena. Upon that day Captain Semmes took in the "Alabama," met the parties, who had made him the offer for the "Sea Bride," and completed the sale of her. When sold the "Sea Bride" was taken away. The wool was then taken out of the "Tuscaloosa" and landed. The "Tuscaloosa" was ballasted, went to sea again, and is now cruising not very far off the land. Captain Semmes then returned to his position off L'Aquillas bank, but not a single Federal merchantman made her appearance. He boarded whilst there sixteen ships, but all were English cargoes. The following is a list of them:—

August 15.—English barque "Saxon," Algoa Bay to Cape Town. 17th. English ship "Broughton Hall," Bombay to Liverpool; medical aid being required on board her, Assistant-Surgeon Llewellyn was sent to render it. 19th. English ship "Camperdown," Madras to London. 20th. English barque "Durban," Natal to London. 22nd. Overhauled a barque showing Dutch colours. 23rd. English ship "Sarawak," Bombay to Liverpool. 24th. Dutch barque "Maria Elizabeth," Batavia to Amsterdam. 28th. English schooner "Flower of Yarrow," Ichaboe to Cape Town. September 3rd. English ship "Punjaub," Kurrachee to London. 4th. English barque "Isle of May," Ceylon to London, by signal. 8th. English ship "Nahant," Bombay to Liverpool. 9th. Saw a barque showing English colours. English ship "Cameronian," Calcutta to London; English ship "Flora," Manilla to Liverpool. 12th. Exchanged colours with an English barque.

The wool taken out of the "Tuscaloosa" at Angra Pequena, is now on its way to a market, where Captain Semmes did not tell me, and it being no business of mine, nor so far as I am aware of anybody else, except himself, I did not think fit to inquire. He does not himself know precisely where the "Sea Bride" is gone, but he made no secret as to her purchaser.

Captain Semmes further told me that he was particularly annoyed that certain parties should have endeavoured, immediately his back was turned, by means of false statements to bring him into collision with the naval authorities at Simon's Town and the Governor of the Colony. He says that so far from having done anything that could possibly give offence, he has studiously avoided every act that could possibly be construed into a breach of the law.

The story told by the person who piloted the "Alabama" into Saldanha Bay on the occasion of her first visit is contradicted both by Captain Semmes and the officers of the ship. The pilot stated that Captain Semmes had agreed to give him 20*l.* to take in the ship, and afterwards refused to pay him more than 3*l.* The truth is that when Captain Semmes saw the little coasting vessel commanded by the person who acted as pilot, he sent an officer on board her to ask where Saldanha Bay was. The captain of the coaster asked the officer to take him on board the steamer, which the officer consented to do. Nothing was said about pilotage, but when the captain of the coaster got on board the "Alabama," he began to give such directions as a pilot would have given, and was allowed to take the ship into the bay. When the ship was at anchor, Captain Semmes asked him what was his charge for pilotage. That was the first time payment was spoken of. Neither 20*l.* nor any other sum had been promised. The man replied that he did not know. Captain Semmes then

asked what was the charge for pilotage at Table Bay or Simon's Bay; the man said he did not know. He was repeatedly asked to name a sum, but declined to do so. Captain Semmes then called an officer who had been a Commander of a British ship on the English coast, and asked what would be the charge for piloting the "Alabama" into an English port. The officer replied it would be about 2*l*. Captain Semmes then said to the pilot, Suppose we say 3*l*.. The man made no reply, but went below with an officer who was to take a receipt for the money; when he got below the man seemed to take a second thought, for he said he would not take so small a sum as 3*l*. A Federal Commander, a little while before had paid him 20*l*., and he did not see why he should not have 20*l*. now. That sum Captain Semmes declined to pay, but says that if the man had asked him for 5*l*., 6*l*., 7*l*., or 8*l*., he would have given it at once, and would never have thought of fixing the amount himself if the pilot had not declined to do so.

Up to the time that he came into Simon's Bay, captain Semmes did not know that the "Vanderbilt" had arrived here. He had been within sight of the land for four days, but saw nothing whatever of her. He thinks the "Vanderbilt" much too heavy for him, but is by no means alarmed at finding himself so near her. He says he is pretty comfortable where he is, and expects the "Kadre" round from Table Bay with about 200 tons of coal, which he intends to take in. If the "Vanderbilt" should happen to come in while he is here, he will insist upon his right to have twenty-four hours' start. If she stops outside she must keep a proper distance from the headlands of False Bay; and as False Bay is sixteen miles across, he thinks there will be plenty of room for him to get out, without running foul of the Yankee.

In commenting upon the probable consequences of an encounter with the "Vanderbilt," Captain Semmes spoke with modesty of the power of his own ship. He said that although the machinery of the "Vanderbilt" would be a good target, in fighting with a steamer it is not so easy to escape having a broadside. He found that to be the case with the "Hatteras." Although he disposed of her pretty easily, it was as much as he could do to prevent her from giving him a broadside. The plan he adopted with the "Hatteras" was to use his large Blakeley gun from the stern of his ship, and that gun did the work. The gun is an 85-pounder, and he thinks that his only chance with the "Vanderbilt" will be to use it upon her machinery. His opinion is, that the "Vanderbilt" has very much greater speed than the "Alabama," and that it will be impossible for him to get away from her. He does not intend to go and look for her; but he says that if he has to fight her he will do his best.

He expects to leave False Bay about Monday next. He would not have come back to Simon's Bay now, but his condensing apparatus got out of order. A few days after leaving Simon's Bay, and when about four days at sea, he found that the condenser did not act properly. It did not take more than one-third of the salt out of the water. Captain Semmes was consequently compelled to put the men upon an allowance. Upon arriving at Angra Pequena he obtained from a person there sixteen casks of water, and that quantity sufficed for the return voyage to Simon's Bay. The repairs of the condenser are nearly completed, and as soon as the coal is on board, the "Alabama" will be ready to take her final departure from the Cape of Good Hope. Captain Semmes says that it is not probable that when once he gets away we shall see his face again for some time to come.

It was rumoured in town yesterday that the Honourable Mr. Field, the Collector of Customs, had received a letter from Saldanha Bay, stating that the "Vanderbilt" had anchored there. On inquiry, we found that this was not true. She is still cruising just outside the Cape.

Inclosure 14 in No. 1.

Extract from the Cape Town "Advertiser and Mail."

THE ALABAMA'S LAST PRIZE.—A very nice and knotty point is now under consideration by the Governor,—whether the "Sea Bride" is, or is not, a lawful prize to the "Alabama" or whether the Confederate has not been guilty of a breach of neutrality in capturing the Federal barque, at a point so near to British land. We understand, indeed, that two or three puzzling points are raised, some of them depending on mere ordinary evidence for settlement, and others requiring for their solution a reference to Vattel and the law of nations. First, then, what is the range to which extends the territorial waters of British possessions? To this the general reply is a league, based on the fact, as Vattel declares, that it was considered the utmost range of cannon-shot in the olden time when he wrote. Has this been in any way affected by the greater projectile force of Armstrongs and

Whitworths? The second question is, assuming the legal distance to have been three miles, was the "Sea Bride" at the time of her capture within that range of the nearest British land? This is entirely a case of evidence, and the Governor has been yesterday engaged in obtaining the best testimony bearing on the subject. The third is a nicer problem than either of the other two. On Wednesday night, the barque is alleged by some of her crew who were still on board to have drifted in within two miles of the lighthouse; while on Thursday she stood in again, and is alleged was clearly within British waters. How far then does this constitute a breach of neutrality, or how far does it support a claim to have the validity of the capture impugned? What answer will be given to all these queries by the Governor, or what further steps he may think fit to take in consequence of them, is of course unknown. Both sides, however, may rely upon it that he will exert himself to the utmost to maintain a strict neutrality, and to secure fair and even-handed justice to all the parties concerned.

THE "ALABAMA" AND THE LAW OF NATIONS.

To the Editor of the "Advertiser and Mail."

SIR,—The capture of a Federal vessel by a Confederate steamer within sight of a British port, and as some contend even in British waters, raises an interesting discussion as to the international legality or illegality of the proceeding. It is to be hoped that some of your numerous correspondents, legal or mercantile, interested, whether theoretically or practically, in the important point at issue will not fail to enter on the inciting field of inquiry. Will any one having access to the authorities and the ability to deal satisfactorily with the task, kindly oblige your readers by letting them know the exact state of the law on the question? We hear, on all sides, that three miles is the limit from shore within which the "Sea Bride" could have claimed the protection of the British flag; but is this undisputed, and where is the precise distance laid down in black and white? Or is it derived merely by reasoning from analogy—by varying cannon-range, for instance, hereafter mentioned?

I do not pretend to enter into the matter to advocate one side or the other, but in answer to the question just put, "Is this an undisputed rule?" would take the liberty of referring to a work published by Lord Mackenzie (one of the Judges of the Court of Session in Scotland), late in 1862, late enough, in fact, to have the advantage of treating also of the other international question arising out of the seizure of the "Trent" by the Federal "San Jacinto," in November 1861. Lord Mackenzie there says (p. 152), "The parts of the sea near the coast being in some degree susceptible of property, and of great importance to the safety of the country, are held by the modern law of nations to be comprehended within the territory of the State to which the coast belongs. To what distance a nation may extend its rights over the sea by which it is surrounded is a problem which has been a fruitful source of controversy and is not easily determined. By most publicists the whole space of sea within cannon-shot of the coast is considered a part of the territory of the State, and for that reason a vessel captured within range of the cannon of a neutral port is not a lawful prize."

According to this legal authority, then, the latest as far as we know, the limit is not reckoned by "miles" but a limit of power reckoned by "cannon-range." And this seems in accordance with the doctrine of property in the sea laid down by Grotius ("De Jure Bell. et Pac." K.K. 2, ch. 3, sec. 13-2), who says, "that the empire of a portion of the sea belongs to a territory, in so far as those who sail on that part of the sea can be compelled from the shore as if they were on land." This would seem materially to alter the features of the case. It raises the question, could a cannon planted at the furthest point of British dominion at the Cape, whether that point be (in theory) the stoop of the most projecting marine villa at Sea Point or the opposite coast of Robben Island, have thrown a ball, not alone into the "Alabama" (for she may have kept out of reach), but into the "Sea Bride" at any moment, from the commencement of the chase to the capturing close?

I may mention that in course of conversation subsequently on board the "Alabama," I put the question to Captain Semmes as to what the limit was. His reply was three miles. Is it not rather, I asked again, within cannon-range? "That is just it," was his significant reply; in the olden days the "cannon-range" was taken as three miles. But cannons have improved and cannon-ranges much increased since those olden days, *vide* Blakeley's rifled five-miler, on the "Alabama's" very decks; and thus, in now interpreting the term "cannon-range," must we not, making allowance for this, assume the case of the most powerful piece of artillery modern science has invented? The question, then, if Mackenzie is to be relied on, comes to this, Would such a cannon placed on the

furthest projecting point of Anglo-African land in the vicinity of the scene of capture have rescued the "Sea Bride?"

I am sure I only speak the sentiments of many who are anxious to get exact and reliable information on an interesting subject, when I express the hope that some local "Vattel" will take up the question, treating it first on general principles of dominion in the sea, and then with reference to the particular subordinate case of the "Alabama" and "Sea Bride."

WILKES.

Inclosure 15 in No. 1.

Extract from the "Advertiser and Mail."

Cape Town, August 10, 1863.

CONFEDERATE CAPTURE.—The Governor has decided, in reply to the representations of the American Consul, that the barque "Sea Bride" was a legitimate prize to the Confederate cruiser "Alabama." This decision has, of course, dissatisfied the protesters, and some of them indulge in rather tall talk of the manifest one-sidedness of British authorities, and of the terrible retribution that will one day befall them for it. That they should be dissatisfied is natural enough, and no one can refuse his sympathy to men who have lost so much so unexpectedly, and within so near a reach of perfect safety. But we cannot see how his Excellency could have acted in any other way. He had, in the first place, the conflicting testimony of the captors and the captured; the former declaring that they were more than three miles from the shore, and the latter less. He therefore discarded both, and determined to rely upon the best official evidence he could procure from competent professional eye-witnesses on shore. Those whom he selected for that purpose, we believe, were the signal-men on the Lion's Rump, and the keeper of the two lighthouses at Green Point and the Morville. The former had a perfect bird's-eye view of the whole affair, and it is his daily business to estimate and report to town the distance of vessels entering the Bay. The two others, though not quite so practised as the signal-man in such matters, have had frequent experience in the same judging distance sort of drill, and all three concurred in the opinion that the "Sea Bride" at the time of her capture was about four or five miles from the nearest point of shore, and that she was between four and six miles from the nearest point of Robbern Island. With facts like these the Governor could hardly have done otherwise than to adjudicate as he did; and yet it must be remembered that his adjudication is by no means final. If the American representatives can procure reliable evidence, assigning a position to the barque within the territorial waters of the Colony, it is quite within their power to avail themselves of it, and through their Government to adduce it before the Court of St. James's, in London. The Imperial Government will thus have the whole case fully before them, and should it then appear that injustice had been done there can be no doubt that ample redress will be given, and the question be fairly and equitably disposed of. The whole affair, however, it must not be forgotten, is one simply of evidence, and as far as the evidence taken hitherto has gone it seems to point very clearly against the claimants. The Americans resident here naturally complain, and with some bitterness, of what they consider the manifest sympathy which was shown with the Confederate cause, in the person of the Confederate Commander Semmes, to an extent inconsistent with the neutrality which we profess. On this it must be remarked that much, if not most, of the enthusiasm shown was the result of mere curiosity, combined with that hero-worship which, for all sorts of apparent heroism, whether true or spurious, springs up instinctively in the human heart. At the same time, States while fighting for their independence has gained for them a sympathy which wholly however, it cannot be denied that the extraordinary pluck displayed by the Confederate overlooks the original grounds and origin of the strife. Such sympathy as this it is impossible to repress. Proclamations and decrees are powerless to oppose it, and are never intended to interfere with it. When we say therefore that we are neutral,—and such undoubtedly the Government of the Cape of Good Hope has in the present instance shown itself to be,—it is true that a few official persons were foolish enough to show their own excessive sympathy with the Confederate Commander, but their indiscretion was quickly checked by the Governor personally, who felt that by some of the steps proposed to be taken by them the neutrality of his Government might be seriously compromised. Since the departure of the "Alabama" yesterday morning, two American vessels entering Table Bay had a narrow escape. They were, however, warned off by some boats in the offing, and were wide-awake enough to hug the shore so closely as to put the neutrality of their

position beyond dispute. While entering Table Bay again yesterday, another American, the "Martha Wentzel," was seized, but was quickly liberated on its being clearly shown that at the time of her capture she was within the protection of the claimed league from the shore.

The Confederate sailing schooner "Tuscaloosa" put into Simon's Bay yesterday after effecting a capture off the coast within the last week or two. This was a China vessel, the "Santa," bound for England: but having a British cargo on board, she was released on giving bond for a ransom of 150,000 dollars. The "Tuscaloosa" gave chase to another clipper, the "Snow Squall," and got near enough to fire into her. The fugitive, however, outstripped her in speed and got clear away.

In connection with this it will be interesting to the commercial world to know that Captain Semmes lays it down as a rule that whenever a *bona fide* British cargo is found on board an American bottom, the vessel is always released on payment of a ransom. In every other case the prize is remorselessly burnt and sunk. In addition to this it may be stated that for all his numerous captures he has to give account, and establish a condemnation before an Admiralty Prize Court in the Confederate States. It is therefore his invariable rule to make a provisional, but formal, inquiry into each individual case as it arises, and record all the circumstances of it, and to register and preserve the evidence on which his provisional condemnation is based. Some of these judgments and other matters we shall publish in our mail issue next week.

THE STEAMER "ALABAMA" AND THE PRIZE BARQUE "SEA BRIDE."—The steamer "Alabama" still remains in Table Bay. The "Alabama," if the weather moderates, will probably leave for Simon's Bay this morning. She has taken in some supplies, such as biscuits, &c., and Mr. Cornhusk is preparing some boiler plates and other articles which are necessary for the repair of her machinery. Captain Semmes has not left his vessel (except to pay a complimentary visit to Her Majesty's ship "Valorous," and the East India and London Company's steamer "Lady Jocelyn") since his arrival here and will not land at Cape Town. He is thoroughly alive to the paramount importance of the work he is engaged in, and puts off all idea of relaxation and repose until the war is over, and he may be able to draw a long breath. It was his intention to proceed to sea yesterday to take out of the "Sea Bride" such supplies as he wants, and then to burn her, but the severe weather of yesterday has prevented this. The American Consul and the Colonial Government are meanwhile in correspondence respecting the legality of Captain Semmes' proceedings on Wednesday. The Consul has put in the protest of the captain and mate of the "Sea Bride," to prove that he was within two miles and a half of land, and therefore in neutral waters when seized by the "Alabama." The Government, on the other hand, has got the statements of the signalman on the Lion's Rump that the barque was four miles off land, and of Captain Bissell, Mr. Wollarton and others, that she was more than three miles distant, and therefore beyond the neutral line. The Consul, in addition to the protest alluded to, has received the evidence of the steward and seamen of the "Sea Bride" who were left on board at the capture until Thursday. They state that on Wednesday night a signal was made from the "Alabama" to burn the barque, and that tar-barrels were placed at different parts of the vessel, and ammunition piled in the cabin and forecastle for that purpose, but a subsequent signal from the "Alabama" seemed to countermand the order, and the barque lay on and off the port. At one time she was within one mile of Greenpoint lighthouse, and at another time about two miles from land, which is also considered contrary to the rules of neutrality, which provides that no prize is to be taken into British waters. The Consul has asked that the prize be taken possession of by the "Valorous" until the question of legality is decided. The Government, however, do not feel at present disposed to attempt any interference either with Captain Semmes or his prize.

No. 2.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, January 23, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 20th instant, inclosing copies of papers relating to the case of the barque "Sea Bride," of Boston, captured

by the "Alabama," and I have to state to you that those papers shall be considered by Her Majesty's Government.

I am, &c.
(Signed) RUSSELL.

No. 3.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, February 8, 1864.

WITH reference to my letter of the 23rd ultimo, I have the honour to state to you that Her Majesty's Government have had under their consideration your letter of the 20th ultimo and its inclosures respecting the capture of the barque "Sea Bride," of Boston, by the "Alabama," and I have now to inform you that the Governor of the Cape of Good Hope, in the neighbourhood of which Colony this vessel was seized, has reported himself satisfied by the evidence adduced before him that the capture in question was not made within British jurisdiction, and Her Majesty's Government upon perusal of that evidence have arrived at a similar conclusion.

With respect to the claim founded upon the general argument set forth in your letter of the 23rd of October last, which you are instructed to present, Her Majesty's Government have only to repeat that they, in every respect and most advisedly, adhere to the answer which they have on former occasions had the honour to address to you in reply to that argument.

I am, &c.
(Signed) RUSSELL.

NORTH AMERICA.

No. 3. (1864.)

Correspondence respecting the
“Alabama.”

(In continuation of Papers presented to Parliament
in February 1864.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

131
NORTH AMERICA.

No. 4. (1864.)

COMMUNICATIONS

BETWEEN THE

COLLECTOR OF CUSTOMS AT LIVERPOOL

AND

MESSRS. KLINGENDER AND CO.

RESPECTING

SHIPMENT OF GUNS

ON BOARD THE

“GIBRALTAR.”

(In continuation of Papers respecting the vessel “Gibraltar,”
presented to Parliament in July 1863.)

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

ADMINISTRATIVE SECTION
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REPORT OF THE

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Communications between the Collector of Customs at Liverpool
and Messrs. Klingender and Co. respecting shipment of
Guns on board the "Gibraltar."

No. 1.

Mr. Hammond to Mr. Hamilton.

Sir,

Foreign Office, February 24, 1864.

IN the letter from Messrs. Klingender and Co. of Liverpool, to Captain T. A. Blakeley, in London, dated Liverpool, June 26, 1863, which was published at page 8 of the Papers headed "Vessel 'Gibraltar,'" presented to the House of Commons in the month of July 1863, the following passage occurs:—"This action on the part of Her Majesty's Government is based upon the suspicion that ultimately your fort guns may find their way into the Southern Confederacy; the Collector" (*i.e.*, the Collector of Her Majesty's Customs at Liverpool), "in reply to our question, having informed us that, if the fort guns were for the Federal or Northern Government, no obstacles would be placed in the way of their being shipped; stating, at the same time, that such shipments to New York were of common occurrence."

As this passage has been twice quoted in the House of Commons, and has received no contradiction, Lord Russell requests that you will move the Lords Commissioners of Her Majesty's Treasury to have the goodness to ascertain from the Collector of Customs of Liverpool whether this statement correctly represents what he said to Messrs. Klingender and Co., and if not, what he really did say.

I am, &c.
(Signed) E. HAMMOND.

No. 2.

Mr. Hamilton to Mr. Hammond.—(Received February 29.)

Sir,

Treasury Chambers, February 29, 1864.

WITH reference to your letter of 24th ultimo, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you herewith a copy of a Report dated 27th ultimo, from the Commissioners of Customs, and of a letter from Mr. Price Edwards, Collector of Customs at Liverpool, dated 26th ultimo, relating to a statement alleged to have been made by him in regard to the shipment of guns on board the ship "Gibraltar," and I am to request that you will state to Earl Russell, with reference to Mr. Edwards's letter, that it appears to this Board to correct the wrong interpretation put upon Mr. Edwards' statement by Mr. Klingender.

I am to observe that at the time of the conversation a clearance had been refused to the "Gibraltar," because it was supposed that guns were about to be placed in her, not as merchandize, but as part of her armament, and intended to be used by her in hostilities; the refusal of the clearance being, however, only maintained pending further explanation.

In this state of things Mr. Klingender inquired from Mr. Edwards whether there would be any objection to the shipment of such guns to New York.

The meaning attached to this question by Mr. Edwards appears to have been that it related to guns shipped as merchandize, and not as part of an armament of a vessel of war, and he accordingly replied that there would be no objection, adding, that such shipments to New York were of common occurrence.

As soon as Her Majesty's Government was satisfied that the guns in question were not and could not be intended to form part of the armament of the "Gibraltar," the clearance was immediately granted.

I am, &c.
(Signed) GEO. A. HAMILTON.

Inclosure 1 in No. 2.

Mr. Gardner to Mr. Hamilton.

Sir,

Custom-House, February 27, 1864.

WITH reference to your letter of the 25th instant, I am desired to transmit to you herewith, for the information of the Lords Commissioners of Her Majesty's Treasury, copy of a Report, with its inclosure, which the Board have received from their Collector at Liverpool with respect to a statement alleged to have been made by him concerning the shipment of guns in the "Gibraltar," and referred to in page 8 of the Parliamentary Return dated 20th July, 1863, No. 461.

I am, &c.
(Signed) F. G. GARDNER.

Inclosure 2 in No. 2.

Mr. Edwards to the Commissioners of Customs.

Honourable Sirs,

Custom-House, Liverpool, February 26, 1864.

I HAVE this morning received your order of the 25th instant, inclosing the copy of a letter from the Foreign Office dated the 24th instant, respecting a statement alleged to have been made by me concerning the shipment of guns on the "Gibraltar," and directing me to report whether the statement correctly represents what I said to Messrs. Klingender and Co., and if not, what I really did say.

I beg to report that, pursuant to your order of the 15th June last, I called upon Messrs. Klingender and Co. for an explanation as to the necessity of and reason for placing the guns and gun-carriages on board the ship in question, and placed a stop in the clearing of the ship until further orders. In consequence of this, Mr. Klingender and his solicitor called upon me, and, in the course of conversation, inquired whether there would be any objection to the shipment of such guns to New York; before replying to the question, I sent for the principal Office Searcher, whose Report I annex, and ascertained from him that shipment of all kinds of arms and guns to New York was continually going on, and I then answered there would be no objection to the exportation of such guns to New York.

I may add that shipments of this kind to New York have been continually going on since the commencement of the war between the Federal and Confederate States, and that on the 16th last February I transmitted to Sir Thomas Fremantle, for the information of the War Office, an account of the shipment of arms, &c., to America, showing the quantity, description, and value. No opinion was given by me as to the facility of shipping arms, either for the Federal or Confederate Government, as I had nothing to do with reference to the ultimate destination of the goods, but merely to reply to an inquiry whether they could be shipped to New York; nevertheless the inference was a very natural one, that if arms were forwarded to New York, they would be for the use of the Federal Government; and hence, possibly, Mr. Klingender, whom I have not seen since, and of whom I had no knowledge previously, may have formed his conclusions. I herewith return the copy of the letter from the Foreign Office.

(Signed) S. PRICE EDWARDS.

Inclosure 3 in No. 2.

Mr. Goold to Mr. Edwards.

Searcher's Office, February 26, 1864.

Sir, I BEG to state that I remember being asked by you, in the presence of Mr. Hall, Attorney, who had called to make inquiries respecting the shipment of two guns on board the vessel "Gibraltar," whether arms were shipped to New York, to which I replied that they were.

An account of the number and value of rifles exported to ports in the United States of America during the year 1862, and openly cleared as arms, was forwarded to the Board on the 16th February, 1863.

I beg to add that arms and other munitions of war are still being shipped to the United States.

(Signed)

H. GOOLD, *Assistant Surveyor.*

Communications between the Collector of Customs at Liverpool and Messrs. Klingender and Co. respecting Shipment of Guns on board the "Gibraltar."

(In continuation of Papers respecting the vessel "Gibraltar," presented to Parliament in July 1863.)

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

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NORTH AMERICA.

No. 5. (1864.)

CORRESPONDENCE

RESPECTING

IRON-CLAD VESSELS

BUILDING AT

BIRKENHEAD.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting Iron-clad Vessels building at Birkenhead.

No. 1.

Mr. Adams to Earl Russell.—(Received July 11, 5.45 P.M.)

My Lord,

Legation of the United States, July 11, 1863.

IT is with unaffected regret that I perform the duty incumbent on me, as the Representative of the Government of the United States, of laying before you copies of a letter from the Consul of the United States at Liverpool, and of four depositions, all intended to show a determined perseverance in the same acts of hostility at the port of Liverpool, which have formed the subject of my remonstrances almost from the day that I had the honour first to occupy this post.

In many preceding communications I have endeavoured to set forth the facts which appear to me to prove beyond the possibility of a doubt, the establishment on the part of the insurgents in the United States of a systematic plan of warfare upon the people of the United States, carried on from the port of Liverpool, as well as in less degree from other ports of this kingdom. In this policy, the persons who have been sent out, and have acted as agents, have received the aid and effective co-operation of numbers of Her Majesty's subjects. The results of this conduct have been felt in the dispatch of numbers of steam-vessels laden with arms and munitions of war of every description, together with other supplies well adapted to procrastinate the struggle, with the purpose of breaking a blockade legitimately established, and fully recognized by Her Majesty in the proclamation issued by her forbidding all such acts. It is needless to point out to your Lordship how exclusively this business has been carried on by British subjects in British vessels, and how much the burden of the war has been increased by the necessity of maintaining a corresponding naval force on the ocean in order to suppress it. Nor yet will I enlarge upon the use to which the British Islands of Bermuda and New Providence have been put by British subjects, as convenient points for the storing of all these supplies to the end that they may be more easily dispatched to their illegal destination.

But not satisfied with the aid thus obtained, the next step of the agents alluded to has been to enlist the aid and co-operation of British subjects in constructing for their use steam-vessels expressly adapted to the object of carrying on war against the commerce of the people of the United States. The extent to which this has been actually procured has been made visible to your Lordship in the various remonstrances heretofore presented by myself to your attention, unhappily too little heeded to secure prevention, and still more by the fact, that for all the vessels now on the ocean engaged in the work of depredation on the commerce of the United States, British subjects must be held responsible in regard to their construction, equipment, manning, and outfit.

Furthermore, it appears that the aforesaid agents, under express instructions from the so-called authorities of the insurgents, who soon fell short in the pecuniary means to conduct their extensive warlike operations, have solicited the assistance of Her Majesty's subjects in this kingdom in advancing to them the funds to be appropriated to their objects. The purpose of this application to carry on the war with the people of the United States with the means thus raised was distinctly declared. To that end a loan of 3,000,000*l.* sterling was proposed. That negotiation was entered into, and the means have actually been obtained in a great measure from the contributions of Her Majesty's subjects.

Thus it is manifest that all of those things denominated the sinews of war, to wit, men and money, ships, arms, gunpowder, and supplies, have been continuously furnished by Her Majesty's subjects almost from the beginning of the contest. A war has thus been

practically conducted by a portion of her people against a Government with which Her Majesty is under the most solemn of all national engagements to preserve a lasting and durable peace.

The Government of the United States has in the meantime tried not to be wanting in performing the obligations incumbent upon it as a friend of Great Britain. In every particular in which it has been called upon in a suitable manner, it has laboured promptly to meet and satisfy every just cause of complaint. So far as possible, consistently with the difficulties in which it has been placed, it has assiduously striven to cultivate the most kindly relations. It has been, therefore, with the greatest regret that it has been compelled to feel itself the innocent object of a degree of active malevolence from a portion of Her Majesty's subjects which has largely contributed to aggravate the severity of its trials. The fact that the aid extended to this rebellion has had its source almost exclusively from Her Majesty's subjects is made too notorious by the events of the struggle to need to be further enlarged upon.

In making this representation I do not intend to be understood as implying the smallest disposition on the part of Her Majesty's Government in any way to sanction, or even to tolerate, the proceedings complained of. On the contrary, I cheerfully record my conviction that they condemn them as practically infringements of international obligations, which it is their desire to prevent with all the means under their control. Fruitless as have been the greater part of the remonstrances which I have had the honour to make, I am well aware that the causes assigned for it do not relate to the want of will so much as to the absence of power in the existing laws to reach a remedy. But, admitting this to be case, if an injury be inflicted upon an innocent friendly nation, it surely cannot be a satisfactory reply to its complaints to say that the Government having the will, is not also clothed with the necessary powers to make reparation for the past and effect prevention for the future.

Having thus acquitted myself of the painful duty of recapitulating the points I am instructed by my Government to present, I now have the honour to solicit your attention to the evidence of the last and gravest act of intentional hostility yet committed. It is the construction and equipment of a steam-vessel of war, of the most formidable kind now known, in the port of Liverpool. All the appliances of British skill to the arts of destruction appear to have been resorted to for the purpose of doing injury to the people of the United States. The very construction of such a vessel in a country itself in a state of profound peace, without any explanation of the objects to which it is to be applied, is calculated to excite uneasiness on the part of those involved in a contest where only it could be expected to be made of use. But when it further appears that it is constructed by parties who have been already proved to have furnished one vessel of war to the insurgents in America, and who are now shown to be acting in co-operation with their well-known agents on the spot in the preparation of that now in question, it is not unnatural that such proceedings should be regarded by the Government and people of the United States with the greatest alarm, as virtually tantamount to a participation in the war by the people of Great Britain to a degree which, if not seasonably prevented, cannot fail to endanger the peace and welfare of both countries. I trust I need not assure your Lordship how deeply concerned is the Government which I have the honour to represent in the view of any such possibility, and how earnestly it hopes that Her Majesty's Government, having the will, may find itself likewise vested with the needful powers to guard against any such occurrence.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 1.

Mr. Dudley to Mr. Adams.

Sir,

United States' Consulate Liverpool, July 8, 1863:

I HAVE the honour to inclose you a copy of an application by me made yesterday to the Collector of Customs at Liverpool, to stop the iron-clad ram building for the insurgents in the United States by the Messrs. Laird at Birkenhead, and launched from their yard on Saturday last. Also copies of William H. Russell's, Joseph Ellis', Clarence R. Yonge's, G. T. Chapman's, and my own affidavits, upon which the application was based. The affidavits were made before, and the originals left with, the said Collector.

I am, &c.

(Signed) THOMAS H. DUDLEY.

Inclosure 2 in No. 1.

Mr. Dudley to Mr. Edwards.

I, THE Undersigned, Thomas Haines Dudley, Consul of the United States of America for the port of Liverpool and its dependencies, do hereby apply to you on behalf of the Government of the United States of America, to seize and detain an iron-clad vessel-of-war launched from the yard of Messrs. Laird and Co. at Birkenhead on the 4th day of July instant, and now lying at Birkenhead aforesaid with her tackle, apparel, and furniture, with all the materials, arms, ammunition and stores which may belong to or be on board of the said vessel, pursuant to the power given to you in that behalf by the 7th section of the Act of Parliament 59 Geo. III, c. 69, on the ground that such vessel is being equipped, furnished, fitted out, and armed, in order that such vessel shall be employed in the service of the persons assuming to exercise the power of Government, and called the Confederate States of America, and with the intent to cruize and commit hostilities against the Government and citizens of the United States of America, with which Government Her Majesty the Queen is not now at war.

July 7, 1863.

(Signed)

T. H. DUDLEY.

Inclosure 3 in No. 1.

Depositions.

WE, William Hayden Russell, of Brooklyn, in the State of New York, in the United States of America, master mariner, now at Liverpool, in the county of Lancaster, in England, and Joseph Ellis, of No. 161, Athol Street, in Liverpool aforesaid, master shipwright, make oath and say as follows:—

1. I, the said William Hayden Russell, for myself say: I have been in command of American merchant-vessels for the last thirty years, and for the last eighteen years I have commanded packet-ships trading between New York and Liverpool. I have frequently been on board British and American vessels of war of all classes, and I am well acquainted with their mode of construction.

2. I, the said Joseph Ellis, for myself, say I have been regularly brought up to the business of a shipwright, and I have assisted in the construction of iron-clad vessels of war.

3. And we, the said William Hayden Russell and Joseph Ellis, for ourselves, say as follows: On Saturday last, the 4th day of July instant, we were present in the shipbuilding yard of Messrs. Laird and Co. at Birkenhead, when an iron-clad steam-vessel built by them was launched.

4. The vessel in question was one of two iron-clad steam-vessels, built alongside of each other at the southern end of the yard, and which appeared to be in all material respects similar to each other.

5. Before the said vessel was launched we carefully examined her externally; we walked along the whole length of the vessel, within seven or eight yards of her, and saw the whole structure of the vessel from the keel upwards.

6. The said vessel is, to the best of our judgment, about two hundred and thirty feet long, with from thirty-eight to forty feet beam. She is covered with iron plates from the point of a ram or piercer projecting from her stem to within about twenty feet from her stern. We saw an iron plate which one of the foremen in the yard informed us was prepared for the other of the said iron-clad vessels, and similar to the plates upon the vessel which we saw launched. The thickness of such plate was about four and a-half inches. The said vessel had a space at the stern covered over with an iron-plated house of great strength, and there was a larger space forward, apparently intended for a fore-castle, which was also covered with a similar iron-house.

7. The ram or piercer which we have mentioned is a prolongation of the stem of the vessel projecting about seven feet from a perpendicular line drawn from the upper part of the stem. It is of immense strength, and is so placed that when the vessel is in sea-going trim, with her engines and stores on board, the upper part of it would be, as far as we can judge, two or three feet below the surface of the water.

8. On the quay near the said vessel, and also in Messrs. Laird and Co's. yard, we saw two circular iron turrets in the course of construction, such as would be used for carrying turret guns on board such a vessel. The diameter of each of these turrets, as well as we could judge was about twenty feet. The frames of these turrets were of iron, of

great strength, placed about fifteen inches apart from each other, and they were evidently prepared to receive planking and iron plating.

9. The said vessel was built in all respects as an iron-clad vessel of war, and is armed as above-mentioned with a projecting ram or piercer, for the purpose of destroying and sinking other vessels. We have no hesitation in saying that the said vessel is an iron-clad ram of the most formidable description, and cannot be intended for any purpose but that of war.

(Signed) W. H. RUSSELL.
JOSEPH ELLIS.

The same William Hayden Russell and Joseph Ellis were severally sworn at Liverpool in the County of Lancaster, the 7th day of July, one thousand eight hundred and sixty-three.

Before me,
(Signed) S. PRICE EDWARDS, *Collector, Liverpool.*

Clarence Randolph Yonge, of the State of Georgia, in the United States of America, late Paymaster on board the steamer "Alabama," formerly called "the 290," built by William and John Laird and Co. at Birkenhead, makes oath and says:—I know Captain James D. Bullock, of the State of Georgia, in the United States, now residing at Waterloo, near Liverpool, in England. He is a Commander in the Navy of the so-called Confederate States of America; his business in England is superintending the building of iron-clads and other war vessels for the Confederate States. In the autumn of 1861 Captain Bullock came from England to Savannah, Georgia, in the England steamer "Fingal." At that time I was in the Naval Paymaster's Office in Savannah, Georgia, under the Confederate Government. Previous to Captain Bullock leaving England, as I afterwards learned, he had contracted for two steamers for the Confederate Government, one called the "Oreto," now called the "Florida," built by William C. Miller and Sons, of Liverpool; the other "the 290," afterwards called the "Eureka," and now called the "Alabama," built by the Messrs. Laird at Birkenhead. Captain Bullock was about to return to England to look after the completion of these steamers and to assume command of the "Alabama," and wanted some one to accompany him. I was recommended by the Paymaster at Savannah to Captain Bullock. I was then released by the Paymaster from my engagement, and was subsequently appointed by Captain Bullock, under the written authority of S. R. Mallory, the Secretary of the Navy of the Confederate States, a Paymaster in the Confederate Navy, and assigned to the steamer "Alabama." We sailed for England in the steamer "Annie Childs," commanded by Captain William Hammer, from Wilmington, North Carolina, about the 5th day of February, 1862. Captain James D. Bullock, Lieutenant John Law, Midshipmen Eugene Maffitt and E. M. Anderson, and myself, came over in the "Childs." Law, Maffitt, and Anderson are now on the "Alabama." We arrived at Liverpool about the 11th March, 1862. I continued as Paymaster in the Confederate Navy from the time of my appointment in Savannah, Georgia, up to the time of my leaving the steamer "Alabama" at Port Royal in January, 1863. I went out in the "Alabama" when she sailed from England on the 29th of July, 1862, as Paymaster, and acted as such on said vessel up to the time of my leaving her as aforesaid. Previous to our leaving Wilmington in February I acted as clerk to Captain Bullock, and attended to his correspondence with the Confederate Government and others, and from this correspondence and other circumstances, I know that he is a Commander in the Confederate Navy, that he had contracted for building the two vessels now called the "Florida" and "Alabama," for the Confederate Government aforesaid, and was and is their acknowledged agent for building and fitting out naval or war vessels for the so-called Confederate Government to cruise against and to make war upon the Government and people of the United States. I wrote letters for Captain Bullock (which he signed) to Mr. Mallory, the Secretary of the Confederate Navy, and saw letters from the Secretary to Captain Bullock. There was much correspondence about building the two above-named and other war vessels in England for the Confederate Government, and about the money to pay for the same and those thereafter to be built in England. From this correspondence, and my transactions afterwards with the firm of Fraser, Trenholm, and Co., of Liverpool, I learned that Lieutenant James H. North had been sent over to England by the Confederate Government to make contracts in England for building and fitting out iron-clad vessels for said Confederate Government for the purpose of committing acts of hostility against and making war upon the Government and people of the United States. Captain Bullock was directed by Mr. Mallory, the Secretary of the Confederate Navy, in the correspondence to which I have referred, to aid Lieutenant North,

and assist him in getting up and making contracts for building and fitting out these iron-clad vessels in England.

When we came over to England, it was understood by myself and the other officers who accompanied us that Captain Bullock was to have the command of the "Alabama," which was then building by the Lairds at Birkenhead, and I was to go in her as Paymaster. I came over for this express purpose. From the time of my coming to England, in March 1862, until I sailed in the "Alabama," on the 29th of July, 1862, my principal business was to pay the officers of the Confederate Navy who were over here in England and attached to the "Alabama," sent here to join and sail in her when finished. I used to pay them monthly, about the 1st of the month, at the office of Fraser, Trenholm, and Co., in Liverpool. I drew the money for that purpose from this firm. Captain Bullock kept all his papers at Fraser, Trenholm, and Co.'s, and transacted his business in one of the private offices of this firm. I was in the habit during my stay in Liverpool of visiting this office very frequently, almost every day, and saw, heard and knew what was being done and going on. I also made visits to Lairds' yard in Birkenhead, where the "Alabama" was building. Saw Captain Bullock there at times in the yard with the Lairds. I also saw the Lairds at Fraser, Trenholm, and Co.'s office with Captain Bullock. On one of the occasions of my visit to Captain Bullock, at Fraser, Trenholm, and Co.'s office in Liverpool, I made for him a copy of the original contract between himself and the firm of William and John Laird and Co., at Birkenhead, for building the "Alabama." This copy I had with me while I was serving as Paymaster on that ship, and it was left on that vessel by me. I also frequently made copies of other papers, &c., for Captain Bullock. Before we sailed in the "Alabama," I saw the plans, drawings, and specifications made and furnished by the firm of William and John Laird and Co., for building the iron-clad rams for the so-called Confederate Government. I think it was in the month of June 1862; it was in the office of Fraser, Trenholm, and Co., in Liverpool. Captain Bullock had them. Mr. Freeman, the chief engineer on the "Alabama," and several other officers were there with myself and Captain Bullock examining them. A set of plans and specifications for building these iron-clad rams had been previously sent over to Richmond for the approval of the Confederate Government. The Messrs. Laird had some doubts whether the British Government would permit them to build and fit out the vessels with tower or turrets on them, and were going to ascertain through the Mr. Laird who was a Member of Parliament whether they would be permitted to do so.

After we left Liverpool, Mr. Lowe told me the keel for one of these iron-clad rams had been laid by the Lairds at their yard before we sailed, which was afterwards corroborated by Mr. Freeman, the chief engineer of the "Alabama," who stated to me that he had been over to the yard and seen it.

Captain Bullock had made himself so useful and efficient in building war-vessels in England that the Confederate Government was not willing for him to take command of the "Alabama," but required him to remain and superintend the building and fitting-out of the iron-clads to be built by the Lairds and others in England. I learned this from himself. He told me that he had been ordered by the Navy Department to remain, to look after and superintend the building of these very iron-clads. He is very anxious to have command of a vessel, and expected in the first place to have the "Oreto," then to have the "Alabama." He told me just before I left he would not let all of the iron-clads slip through his hands as the "Oreto" and "Alabama" had.

On the fifth day of April, eighteen hundred and sixty-three, I went to the ship-yard of William and John Laird and Co., at Birkenhead. In the southerly part of the yard, under the sheds, side by side, saw two iron-clad ram steamers which they are building there. I believe them to be the same that I saw on the plans and drawings made by the Messrs. Laird, and in possession of Captain Bullock, at the office of Fraser, Trenholm, and Co. hereinbefore mentioned. I have not the least doubt about the matter.

(Signed) CLARENCE R. YONGE.

Sworn before me at the Custom-house in Liverpool, this sixth day of April, one thousand eight hundred and sixty-three.

(Signed) S. PRICE EDWARDS.

I, George Temple Chapman, of New York, in the United States of America, but now at Liverpool, in the county of Lancaster, gentleman, make oath, and say as follows:—

1. In the early part of the month of April last, I had occasion to call at Messrs. Fraser, Trenholm, and Co.'s office in Liverpool, to see Captain Bullock, whom I had known formerly in the United States.

Captain Bullock was not in when I first called at the office, but I saw Mr. Prisleau,

one of the partners in the firm of Fraser, Trenholm, & Co., and had some conversation with him. In the course of such conversation, Mr. Prisleau told me that his firm were the financial agents for the Confederate States of America, and that I might speak with him in perfect safety on anything connected with the South, as the whole of his establishment were in the Confederate interest. I noticed that there was a Confederate flag displayed in the office. On this occasion I handed to Mr. Prisleau some letters which had been given to me by the wife of Clarence Randolph Yonge, who, Mr. Prisleau told me, had been Captain Bullock's Secretary, and afterwards purser of the "Alabama."

2. On the day following that on which I had the conversation above-mentioned with Mr. Prisleau, I called again at Messrs. Fraser, Trenholm and Co.'s office, and saw there Captain Bullock, who told me that he had seen the letters which I had left with Mr. Prisleau, but that they were of no importance, and that he never trusted Yonge with anything important.

Captain Bullock told me that he came to Liverpool to build and procure ships and vessels of war for the Confederate service. He referred to the "Alabama," and the "Oreto" or "Florida," as two of the ships he had fitted out, and said that he was fitting out more, but that he managed matters so that he could defy any one to prove that he was fitting them out for the use of the Confederate Government.

3. Whilst I was with Captain Bullock, Lieutenant John Randolph Hamilton, son of Governor Hamilton, of South Carolina (formerly a Lieutenant in the United States' Navy, and since of the Confederate Navy), came in, and I recognized him. I first knew him at the Naval Academy at Annapolis, in the United States, where we were midshipmen together. I knew him afterwards as Lieutenant in the United States' service. He told me he had become a Lieutenant in the Confederate service, and that he came to Liverpool by direction of the Confederate States' Government, to assist Captain Bullock in the fitting out of vessels, and to advise Messrs. Fraser, Trenholm, and Co., and to give him advice generally in the interests of the Confederate Government. The said John Randolph Hamilton told me that he and Bullock had a private office in Fraser, Trenholm, and Co.'s house of business, and that the "Alabama" was built according to a model prepared by Captain Bullock, and that Lairds were not entitled to any credit for that ship. He spoke without hesitation about the "Oreto," which they had sent out, and both he and Captain Bullock spoke of themselves as the employés of the Confederate Government, and that they were paid as such.

4. In the early part of the month of April last, a Captain Morton, who is the overlooker for Messrs. Boulton, English, and Brandon, of Liverpool, merchants, took me with him to Messrs. Laird and Co.'s ship-building yard at Birkenhead, in order that I might see two iron rams, or vessels-of-war, which he said were, without doubt, for the Southerners. I saw the two vessels in question, which were being built alongside each other at the south end of the yard. The hulls were complete, and the sides were covered with slabs of teak wood about twelve inches thick. In the early part of this present month one of the vessels, the more northwardly of the two, had a great number of her iron armour-plates fixed. The armour plates appeared to me to be about four inches thick. Each vessel was about 250 feet long, as well as I could judge, and the deck of each vessel was prepared to receive two turrets. I saw the turrets being built in the yard near the rams above-mentioned. Each ram had a stem made of wrought iron about eight inches thick, projecting about five feet under the water-line, and obviously intended for the purpose of penetrating and destroying other vessels.

The rams in question were of immense strength, and could by no possibility be intended for anything but vessels-of-war. The only other vessels building in the yard at that time were an iron-plated vessel-of-war for the British Government, to be called the "Agincourt," and two merchant-vessels, one a steamer and the other a sailing-ship.

5. I saw the above-mentioned John Randolph Hamilton some days after I had seen the rams above-mentioned. I met him at his request at the Angel Hotel, in Liverpool. On that occasion the said John Randolph Hamilton told me that the rams which were being built by Laird and Co. were for the Confederates.

(Signed) GEORGE TEMPLE CHAPMAN.

Sworn before me at the Custom-house, Liverpool, this 29th day of June, 1863.

(Signed) G. S. GEORGE, *pro Collector*.

I, Thomas Haines Dudley, of No. 3, Wellesley Terrace, Prince's Park, Liverpool, in the county of Lancaster, Esquire, do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful, and I do also solemnly, sincerely, and truly affirm and declare as follows:—

1. I am the Consul of the United States of America for the port of Liverpool and its dependencies.

2. I say that there is now and for some time past has been a war carried on between the Government and people of the United States of America and certain persons who have rebelled against such Government, and pretended to set up and assume to exercise the powers of government, styling themselves the Confederate States.

3. I further say, that to the best of my knowledge and information and belief no leave or license has been had or obtained from or of Her Majesty the Queen under the Sign-Manual, or any Order in Council, or any Proclamation of Her said Majesty or otherwise, or at all authorizing any person within any part of the United Kingdom to equip, furnish, fit out, or arm ships or vessels with intent or in order that such ship or vessel shall be employed in the service of the said so-called Confederate States, to cruise or commit hostilities against the Government and people of the said United States of America, and that Her Majesty is not now at war with the said United States.

4. I say there have been built in this port for the Government of the said so-called Confederate States two vessels of war. One of them, namely, the "Oreto," now called the "Florida," was built by Messrs. W. C. Miller and Son, of Liverpool, and another, the "Alabama," by Messrs. Laird and Co.; and they have been employed by the said so-called Confederate States against the Government and people of the United States of America in the war that is now going on, and armaments and war crews for both the said vessels went out in them, or were sent out from England to meet the ships abroad, and were then placed on board of them. On the 4th of the present month of July another vessel, built by the said Messrs. Laird and Co., and intended for an iron-clad steam-ram, and, as this deponent verily believes, built and intended for a vessel of war, was launched by them from their ship-building yard at Birkenhead, and such vessel is now at Birkenhead, in the United Kingdom of Great Britain and Ireland.

5. I say that I have read the affidavits of George Temple Chapman, sworn on the the twenty-ninth day of June last, of Clarence Randolphe Yonge, sworn on the sixth day of April last, and of William Hayden Russell and Joseph Ellis, sworn the seventh day of July instant; and I say that from the facts there spoken to, and from the facts and circumstances aforesaid, I verily believe and say that the said vessel above-mentioned is being equipped, armed, and fitted out with intent and in order that the said vessel shall be employed in the service of the said persons setting up to exercise the power of Government, and called the Confederate States of America, and with intent to cruise and commit hostilities against the Government and citizens of the United States of America.

(Signed) THOMAS H. DUDLEY.

Affirmed before me at the Custom-house, Liverpool, in the County of Lancaster, the seventh day of July, one thousand eight hundred and sixty three.

(Signed) S. PRICE EDWARDS, *Collector*.

No. 2.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, July 13, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant; and I have to state to you that I have lost no time in communicating with the proper Departments of Her Majesty's Government relative to the steam-vessel of war which is stated to be in process of construction at Liverpool, in order that such steps may be taken in the matter as can be legally and properly adopted.

I am, &c.
(Signed) RUSSELL.

No. 3.

Mr. Adams to Earl Russell.—(Received July 17.)

My Lord,

Legation of the United States, London, July 16, 1863.

I HAVE the honour to submit to your consideration copies of two more affidavits, in addition to those already sent with my note of the 11th instant, relating to the war-vessel now believed to be fitting out against the United States at the port of Liverpool.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 3.

Mr. Dudley to Mr. Edwards.

Sir,

United States' Consulate, Liverpool, July 15, 1863.

REFERRING to the application I made to you on the 7th instant to stop the iron-clad steam-ram building by the Messrs. Laird for the insurgents in the United States, and which was launched on the 4th instant, in addition to the affidavits I then submitted to you and that of Joseph Brady on the 11th instant, I now submit one other, that of Austin Joseph Hand, which shows this vessel and the other ram not yet launched are being built under the superintendence of Captain James D. Bullock, the well-known agent of the so-called Southern Confederacy in this country for building war-vessels.

I am, &c.

(Signed) THOMAS H. DUDLEY.

Inclosure 2 in No. 3.

Deposition of John Brady.

I, JOHN BRADY, of No. 10, Livingstone Street, Birkenhead, in the County of Chester, make oath and say:—

I have worked in the ship-building yard of Messrs. Laird and Co. at Birkenhead for several years. I am now in their service as a boiler maker. I remember the keels of two iron-plated vessels of war being laid alongside each other at the southern end of the yard about the end of last year. One of the said vessels was launched on the 4th day of July instant. I have seen Captain Bullock in the yard very frequently whilst the iron-clad vessels above-mentioned have been building. He was very often with the foreman who attended to the building of the vessels in question, or with one of the Messrs. Laird. He paid particular attention to the vessels in question, and his business in the yard appeared to be to look after the building of the vessels above mentioned.

Sworn at Liverpool in the county of Lancaster, the 11th day of July, 1863.

(Signed) JOHN BRADY.

Before me, &c.

(Signed) S. PRICE EDWARDS, *Collector.*

Inclosure 3 in No. 3.

Deposition of Austin Joseph Hand.

I, AUSTIN JOSEPH HAND, of 35, Crosby Street, Liverpool, in the county of Lancaster, make oath, and say: I am a caulker, and work in the yard of Messrs. Laird at Birkenhead. I went to work in their yard just before the "Alabama" was launched, and have worked there ever since. I remember the time the keels of the two iron-plated steam-rams were lain alongside of each other at the south end of their yard; they were laid after the "Alabama" was launched. They are both armed on the stem with a ram, and no doubt are intended for war purposes. One of them was launched on the 4th day of the present month of July. I saw the keels of these two vessels laid. I saw Captain Bullock at the "Alabama" before she was launched, and afterwards at these two iron-clad rams. I have seen him in the yard a number of times, sometimes with one of the Messrs. Laird, at other times with the foreman of the yard. He was there assisting and superintending the laying of the keels of these two iron-clad rams on the occasions I have spoken of. When I have seen Captain Bullock in the yard since the launching of the "Alabama" his business seemed to be in connection with these two iron-clad rams, and the superintendence of their building.

Sworn and subscribed before me, the Collector, at Liverpool, this 15th day of July, 1863.

(Signed)

AUSTIN J. HAND.

(Signed)

S. PRICE EDWARDS, *Collector.*

No. 4.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, July 17, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, inclosing further depositions respecting the steam-vessel of war which is alleged to be fitting out against the United States at the port of Liverpool; and I have to state to you that I have lost no time in communicating on the subject with the proper Department of Her Majesty's Government.

I am, &c.
(Signed) RUSSELL.

No. 5.

Mr. Adams to Earl Russell.—(Received July 27.)

My Lord,

Legation of the United States, London, July 25, 1863.

HAVING received information of the existence of a report that the iron-clad vessel at Liverpool had been claimed by the French Consul at that port, and having since perceived that some credit has been given to the story by the first Minister of the Crown, immediate measures were taken to ascertain whether there was any foundation for it in fact.

I now have the honour to transmit a copy of a letter received from Mr. Dudley, the Consul of the United States at Liverpool, which appears clearly to show the precise nature of the pretence.

Renewing, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 5.

Mr. Wilding to Mr. Adams.

Sir,

United States' Consulate, Liverpool, July 24, 1863.

ON reading in the "Times" of this morning the statement reported to have been made by Lord Palmerston in reply to Mr. Cobden last night that he was informed, as regards one of the iron-clads referred to, that the French Consul claimed it for the Emperor of the French, I addressed a note to the French Consul asking him whether the information referred to was true.

In reply, he sent his Vice-Consul to assure me that there is no truth whatever in the information, that he does not know of any iron-clads being built here for the Emperor of the French.

I addressed the inquiry to my colleague, not supposing there was any truth whatever in the information, but that I might have his authority for saying there was none.

The Vice-Consul while with me stated that about the 3rd, or morning of the 4th of July, the Consul received an invitation from a M. Bravay (a Frenchman, but unknown to him) to a luncheon at Messrs. Laird's yard on the 4th, on the occasion of the launch of an iron-clad vessel. The invitation came so late that the Consul said he could not go. The Vice-Consul was then asked to go, and M. Bravay, introduced by one of the Messrs. Laird, waited upon him and pressed him to go.

He, M. Bravay, then, in the presence of Mr. Laird, said he wished to get French papers for the iron-clad, and asked what formalities were necessary. He was instructed on the point, and then said the matter would be attended to by his brother, who had more to do with it than he had, and that he himself had to be in Madrid on the 9th. The Vice-Consul referred to a French Paris directory, and asked M. Bravay if he was one of the firm of Bravay and Co., therein described as merchants, and he said he was.

The Consul nor Vice-Consul has neither of them seen M. Bravay nor Mr. Laird since, and did not go to the luncheon.

This indicates the source of Lord Palmerston's information, and also that some such trick as getting foreign papers for the ram under cover of which she would sail out has been, and perhaps is, intended.

Very respectfully, &c.
(Signed) HY. WILDING.

No. 6.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, July 29, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 25th instant, and to acquaint you that the information therein contained relative to the iron-clad vessels in course of construction at Messrs. Laird's yard at Birkenhead has been communicated to the proper Department of Her Majesty's Government.

I am, &c.

(Signed) RUSSELL.

No. 7.

Mr. Adams to Earl Russell.—(Received August 14.)

My Lord,

Legation of the United States, London, August 14, 1863.

I HAVE the honour to submit to your consideration copies of letters from the Consul of the United States at Liverpool, containing further information respecting movements of persons believed to be agents of the insurgents at that port. I regret to perceive that the preparation of the dangerous armed vessel of which I have had the honour heretofore to take notice in my notes to your Lordship is not intermitted. It is difficult for me to give your Lordship an adequate idea of the uneasiness and anxiety created in the different ports of the United States by the idea that instruments of injury of so formidable a character continue to threaten their safety, as issuing from the ports of Great Britain, a country with which the people of the United States are at peace.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 7.

Mr. Dudley to Mr. Adams.

Sir,

United States' Consulate, Liverpool, August 7, 1863.

COLONEL GEORGE H. BIER, a Lieutenant in the Confederate navy, with his wife; a man by name of Joseph N. Barney, and two engineers, one by Name of W. H. Jackson (the other I have not learned), arrived here on Sunday last in the steamer "Asia" from Boston *via* Halifax. Bier, Barney, Jackson, and the other engineer came from Halifax. Mrs. Bier passed through our lines at Fort Monroe under the assumed name of Mrs. Henry. I understand, through a passenger on board of the "Asia," that these persons came here to go out as officers in the iron-clads now building by the Messrs. Laird at Birkenhead.

Colonel Bier stated in the steamer that he had been in the Confederate army, and Jackson, the engineer, that he had been as an engineer on the steamer "Florida." Upon examining the register of the Confederate Navy I find that Bier is a Lieutenant in their navy, and is mentioned as being with the army, and Jackson as an engineer in the steamer "Florida;" thus confirming all that they told the passengers. I have no doubt about the truth of their statements, that they are here to join these iron-clads.

The one that is launched has her masts up, boilers and machinery in, and I learned to-day is shipping her turrets. She no doubt can be got ready for sea in a week's time. My information about the other is, that she is to be launched on the 15th instant—to-morrow week.

I am, &c.

(Signed) THOMAS H. DUDLEY.

Inclosure 2 in No. 7.

Mr. Dudley to Mr. Edwards.

Sir,

United States' Consulate, Liverpool, August 11, 1863.

REFERRING to the application heretofore made by me to you to stop the iron-clad steam-ram now building by the Messrs. Laird at Birkenhead for the so-called Southern

Confederacy, and which was launched on the 4th day of July last past, I now submit to you another affidavit, that of Thomas Sweeney, of Liverpool, which, with those heretofore submitted, I hope will induce you to take the necessary steps (if they have not already been taken) to prevent this vessel from sailing, destined as she is to make war upon and commit acts of hostility against the Government of the United States.

I am, &c.

(Signed) THOMAS H. DUDLEY.

Inclosure 3 in No. 7.

Deposition of Thomas Sweeney.

THOMAS SWEENEY, of No. 57, Crosby Street, Liverpool, being duly sworn, doth depose and say:—I am a deck planer, and am now, and have been for about ten years last past, in the employ of Messrs. Laird, ship-builders, at Birkenhead. There is now building in their yard two iron clad steam war-vessels; they are sister ships, of same size, dimensions, and construction, built side by side in the southern part of their yard; each is armed on the stem with an iron piercer or ram, for the purpose of piercing and destroying vessels. They are known and numbered in the yard as Nos. 294 and 295 respectively; they are each being built apparently for turrets.

On the 4th day of July last past No. 294 was launched, and then placed in one of the dry docks of said yard, where she now is being completed. Her boilers and machinery are in, and her three masts up; the two turrets for her guns are alongside, nearly in a complete condition, and ready to be placed on board.

I have talked with many of the men and workmen in the yard who are now, and have been from time to time, employed and working there on their vessels, and they have told me they were for the Confederates in the United States, the same parties for whom the "Alabama" was built. On the 29th day of July last past I had a conversation with Mr. Moore, one of the head workmen in the yard. I asked him what he thought of the "Alabama." His reply was, she was all right enough; but said, Wait for the 294 and 295 (alluding to the two rams above-mentioned), get out and alongside the "Alabama," and then you will soon see the Southern ports opened, meaning the ports in the Southern Confederacy now blockaded.

On the 7th August instant I had a conversation with Captain Henderson, the head-rigger in Messrs. Laird's yard. I asked him to make room and get my son and son-in-law a berth on No. 294; he said he would not advise me to let them go on this vessel, as Nos. 294 and 295 were both going out on purpose to fight against the Federals, and to break up the blockade, but went on further to say, "If either of them wants a berth on these vessels, I shall find them one, but they will not be told where they are going to." At the time the "Alabama" was being built in the yard, my present son-in-law was going to ship in her, and I had a conversation with Captain Henderson about it, and he told me then in substance what he told me on the 7th instant about the two rams, Nos. 294 and 295.

(Signed) THOS. SWEENEY.

Sworn and subscribed to before me at the Customs in Liverpool, this 11th day of August, 1863.

(Signed) W. G. STUART, *Assistant Collector.*

No. 8.

Mr. Layard to Mr. Adams.

Sir,

Foreign Office, August 14, 1863.

I HAVE the honour, in Lord Russell's absence, to acknowledge the receipt of your letter of the 14th instant, inclosing copies of further papers relative to the iron-clads in course of construction at Messrs. Laird's yard at Birkenhead; and I have the honour to state to you that I have lost no time in communicating copies of these papers to the proper Departments of Her Majesty's Government.

I am, &c.

(Signed) A. H. LAYARD.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 1, 1863.

YOU have already been informed that the depositions inclosed in your letters of the 11th, 16th, and 25th of July, and the 14th ultimo, relative to the iron-clad vessels in course of construction at Messrs. Laird's yard at Birkenhead, had been forwarded to the proper Departments of Her Majesty's Government, in order that such steps might be adopted as could legally and properly be taken. And I have now the honour to communicate to you the result of the inquiries which have been instituted.

In the first place, Her Majesty's Government are advised that the information contained in the depositions is in great measure mere hearsay evidence, and generally that it is not such as to show the intent or purpose necessary to make the building or fitting out of these vessels illegal under the Foreign Enlistment Act.

Secondly. It has been stated to Her Majesty's Government, at one time, that these vessels have been built for Frenchmen, and at another that they belonged to the Viceroy of Egypt, and that they were not intended for the so-called Confederate States.

It is true that in your letter of the 25th of July you maintain that this statement as regards French ownership is a pretence, but the inquiries set on foot by Her Majesty's Government have failed to show that it is without foundation. Whatever suspicion may be entertained by the United States' Consul at Liverpool as to the ultimate destination of these vessels, the fact remains that M. Bravay, a French merchant residing at Paris, who is represented to be the person upon whose orders these ships have been built, has personally appeared, and has acted in that character at Liverpool. There is no legal evidence against M. Bravay's claim, nor anything to affect him with any illegal act or purpose; and the responsible agent of the Customs at Liverpool affirms his belief that these vessels have not been built for the Confederates.

Under these circumstances, and having regard to the entire insufficiency of the depositions to prove any infraction of the law, Her Majesty's Government are advised that they cannot interfere in any way with these vessels.

I can only assure you that a careful watch shall continue to be maintained over them; and that if any act or proceeding contrary to the Statute can be shown by trustworthy evidence to have taken place, or if any trustworthy person will furnish Her Majesty's Government with such declaration as may suffice to justify the detention of the vessels till further inquiry can be made, I will apply to the Treasury to prevent the departure of these vessels till such further inquiry can be made.

But I am sure you will be disposed, in justice to Her Majesty's Government, to admit that in the absence of all evidence, upon mere hearsay, surmise, conversation, and conjecture, Her Majesty's Government could not properly direct a prosecution or action under the Foreign Enlistment Act. A Court of Justice would never condemn in the absence of evidence, and the Government would be justly blamed for acting in defiance of the principles of law and justice, long recognized and established in this country.

I feel the more convinced that such will be your opinion as Mr. Seward, in answering a note of Lord Lyons respecting a supposed plan of issuing letters of marque in behalf of the Japanese Government, says, "Prosecutions, however, cannot, it is presumed, be set on foot without affidavits of credible witnesses, as in other cases of imputed misdemeanours and crimes."

Such are, in fact, the principles of American as well as of British law.

I am, &c.

(Signed) **RUSSELL.**

No. 10.

Mr. Adams to Earl Russell.—(Received September 3.)

My Lord,

Legation of the United States, London, September 3, 1863.

I HAVE the honour to transmit copies of further depositions, relating to the launching and other preparations of the second of the two vessels of war from the yard of Messrs. Laird at Birkenhead, concerning which it has already been my disagreeable duty to make most serious representations to Her Majesty's Government.

I believe there is not any reasonable ground for doubt that these vessels, if permitted

to leave the port of Liverpool, will be at once devoted to the object of carrying on war against the United States of America.

I have taken the necessary measures in the proper quarters to ascertain the truth of the respective statements current here that they are intended for the use of the Government of France or for the Pasha of Egypt, and have found both without foundation. At this moment neither of these Powers appears to have occasion to use concealment or equivocation in regard to its intentions, had it any, in obtaining such ships.

In the notes which I had the honour to address to your Lordship on the 11th of July and 14th of August, I believe I stated the importance attached by my Government to the decision involved in this case with sufficient distinctness. Since that date I have had the opportunity to receive from the United States a full approbation of its contents. At the same time I feel it my painful duty to make known to your Lordship, that in some respects it has fallen short in expressing the earnestness with which I have been in the interval directed to describe the grave nature of the situation in which both countries must be placed in the event of an act of aggression committed against the Government and people of the United States by either of these formidable vessels.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 10.

Mr. Dudley to Mr. Edwards.

September 1, 1863.

I, THE undersigned Thomas Haines Dudley, Consul of the United States of America for the port of Liverpool and its dependencies, do hereby apply to you, on behalf of the Government of the United States of America, to seize and detain an iron-clad steam-vessel of war launched from the yard of Messrs. Laird and Co., at Birkenhead, on the 29th day of August last, and now lying at Birkenhead aforesaid, with her tackle, apparel, and furniture, with all the materials, arms, ammunition, and stores which may belong to or be on board of the said vessel pursuant to the power given to you in that behalf by the 7th section of the Act of Parliament 59 Geo. III, cap. 69, on the ground that such vessel is being equipped, furnished, fitted out, and armed in order that such vessel shall be employed in the service of the persons assuming to exercise the power of Government, and called the Confederate States of America, and with the intent to cruize and commit hostilities against the Government and citizens of the United States of America, with which Government Her Majesty the Queen is not now at war.

(Signed) THOMAS H. DUDLEY.

Inclosure 2 in No. 10.

Affirmation of Thomas Haines Dudley.

I, THOMAS HAINES DUDLEY, of No. 3, Wellesley Terrace, Princes Park, Liverpool, in the county of Lancaster, Esquire, do solemnly, sincerely, and truly affirm and declare that the taking of any oath is according to my religious belief unlawful, and I do also solemnly, sincerely, and truly affirm and declare as follows:—

1. I am the Consul of the United States of America for the port of Liverpool and its dependencies.

2. I say that there is now and for some time past has been a war carried on between the Government and people of the United States of America and certain persons who have rebelled against such Government and pretended to set up and assume to exercise the powers of Government styling themselves the Confederate States of America.

3. I further say that to the best of my knowledge, information, and belief, no leave or license has been had or obtained from or of Her Majesty the Queen, under her Sign-Manual or any Order in Council, or any Proclamation of Her said Majesty, or otherwise or at all authorizing any person within any part of the United Kingdom to equip, furnish, fit out, or arm ships or vessels with intent or in order that such ship or vessel shall be employed in the service of the said so-called Confederate States to cruize or commit hostilities against the Government and people of the said United States of America, and that Her Majesty is not now at war with the said United States.

4. I say there have been built in this port for the Government or persons assuming the Government of the said so-called Confederate States two vessels of war, one of them,

namely, the "Orcto," now called the "Florida," was built by Messrs. W. C. Miller and Son of Liverpool, and another, the "Alabama," by Messrs. Laird and Co., and they have been employed by the said so-called Confederate States against the Government and people of the United States of America in the war that is now going on, and armaments and war-crews for both the said vessels went out in them, or were sent out from England to meet the ships abroad, and were then placed on board them. On the 4th day of July last another vessel built by the said Messrs. Laird and Co., and intended for an iron-clad steam-ram, and as this deponent verily believes built and intended for a vessel of war, was launched by them from their ship-building yard at Birkenhead.

5. On the 29th day of August last another vessel built by the said Messrs. Laird and Co., and intended for an iron-clad steam-ram, and as I verily believe for a war-vessel, was launched by them from their ship-building yard at Birkenhead.

6. The said vessels mentioned in the 4th and 5th paragraphs of this affirmation respectively are now lying at Birkenhead aforesaid.

7. I say that I have read the affidavits of George Temple Chapman, sworn on the 29th day of June last; of Clarence Randolph Yonge, sworn on the 6th day of April last; of William Hayden Russell and Joseph Ellis, sworn the 7th day of July last; of John Brady, sworn on the 11th day of July last; of Austin Joseph Hand, sworn on the 15th day of July last; of Thomas Sweeney, sworn on the 11th day of August last; of Joseph Ellis, sworn on the 1st day of September instant; and Charles Prentis, sworn on the 29th day of August last; and I say that from the facts there spoken to, and from the facts and circumstances aforesaid, I verily believe and say that the said vessels above-mentioned as having been launched on the 4th day of July last and on the 29th day of August last respectively are being equipped, armed, and fitted out with intent and in order that the said vessels shall be employed in the service of the said persons setting up to exercise the powers of Government, and called the Confederate States of America, and with intent to cruize and commit hostilities against the Government and citizens of the United States of America.

(Signed) THOMAS H. DUDLEY.

Affirmed at the Custom-house, Liverpool, in the county of Lancaster, the 1st day of September, 1863.

Before me,
(Signed) W. G. STEWART, *Assistant Collector.*

Inclosure 3 in No. 10.

Deposition of Joseph Ellis.

I, JOSEPH ELLIS, of No. 161, Athol Street, in Liverpool, in the county of Lancaster, shipwright, make oath and say as follows:—

1. I am well acquainted with the construction of iron-plated vessels of war, having assisted to build vessels of that description.

2. I was present in the ship-building yard of Messrs. Laird and Co, at Birkenhead, on Saturday, the 29th day of August, 1863, when an iron-plated vessel lately built by them was launched.

3. The launch took place about 11 o'clock in the morning, and before the vessel went off the ways I had an opportunity of seeing her perfectly well, from the keel upwards.

4. The vessel in question is a screw-steamer, somewhat over 200 feet long, as well as I could judge, and of great strength, and covered with iron plates from stem to stern. The said vessel would have about 40 feet of beam amidships, and she has a space at the stern, and another space at the bows, both of which are covered in and protected by strong iron plating.

5. The said vessel is armed with a very formidable ram, or piercer, which is made of iron or steel, and projects, as well as I could judge, about 5 feet from the stem. The said ram or piercer was nearly submerged when the said vessel was afloat after being launched, and when the vessel is in sea-going trim the ram will be quite under the water. The said ram was of great strength, and I am satisfied that it is intended to be used for destroying other vessels. It was similar in appearance to the rams which I have seen on other iron-clad vessels of war.

6. The said vessel's bulwarks were not completed.

7. I was at Messrs. Laird and Co.'s yard aforesaid on the 4th day of July last, when

another iron-clad vessel, armed with a similar ram or piercer was launched from the ways on the north side of the ways from which the iron-clad vessel mentioned in the preceding paragraphs of this affidavit was launched on Saturday last. The said vessels were, as far as I could judge, sister ships, and similarly constructed in all material respects. On the said 4th day of July last one of the said Messrs. Laird and Co.'s workmen showed me one of the iron plates prepared to be used on the said vessel launched on Saturday last; such plate was about $4\frac{1}{2}$ inches in thickness.

8. On the said 4th day of July last I examined the said vessel which was launched on Saturday last, and I saw that she was prepared to receive two circular turrets, such as would be used for carrying turret guns. On the same day I saw in Messrs. Laird and Co.'s yard the frames of two turrets, such as would be used for carrying guns on board such a vessel. On Saturday last I saw in Messrs. Laird and Co.'s yard two turrets of the same description, but in a more advanced state, both of them being partially plated with iron.

9. The said vessel which was launched on Saturday last was built on and launched from the slip which is at the south end of Messrs. Laird and Co.'s yard, adjoining Birkenhead Ferry. The other vessel above-mentioned, which was launched on the 4th day of July last, was built on and launched from the adjoining slip, on the north side of the slip firstly mentioned in this paragraph. The said vessels were, in fact, built side by side.

10. The said ship which was launched on the 4th day of July last was on Saturday last lying afloat in a wet dock in Messrs. Laird and Co.'s yard, and I endeavoured to get to the dock to see her; I was, however stopped by some of Messrs. Laird and Co.'s men. I told them I wanted to go to look at the vessel lying in the wet dock, but they told me that their orders from head-quarters were not to allow any one to pass to see that vessel.

11. The said vessel was launched on Saturday last as aforesaid, and the said vessel launched on the 4th day of July last as aforesaid are, beyond all doubt, intended for iron-clad vessels of war, and not for any other purpose whatever.

(Signed) JOSEPH ELLIS.

Sworn at the Custom-house at Liverpool, in the county of Lancaster, the 1st day of September, 1863.

Before me,
(Signed) W. G. STEWART, *Assistant Collector.*

Inclosure 4 in No. 10.

Deposition of Charles Prentis.

I. CHARLES PRENTIS, of New London, Connecticut, at present in Liverpool, formerly a master mariner and now a merchant in business at New London aforesaid, make oath and say as follows:—

1. I was formerly for ten years master of merchant-vessels and also of whaling-vessels, and I have seen and examined many vessels of war, both of wood and iron; I have also examined the construction of several of the iron-clad vessels of war lately built by the United States' Government.

2. On the twenty-eighth day of the present month of August, I visited the yards of Messrs. Laird, Brothers, at Birkenhead, and inspected two iron-clad vessels in course of construction there. One of the said vessels is in the wet dock, and has three masts, the fore and mainmasts being square rigged; she has a round overhanging stern, and is propelled by a screw; her bow is wedge-shaped; the cutwater is almost perpendicular nearly down to the water line, where it curves outwards so as to form a large projecting ram under water. She has also, about midships, a turret capable of carrying a very large gun. I verily believe that the said vessel is an iron-clad war-vessel of the most formidable character, armed with a ram or piercer constructed for the express purpose of sinking and destroying other vessels.

3. The said vessel lastly before mentioned appeared to be in such a state of preparation that, in my opinion, she could be sent to sea at a few hours' notice.

4. The other of the said two iron-clad vessels was on the ways; she is finished from the keel to the upper deck, and her bulwarks are partly erected. She resembled the other of the said vessels which was in the wet dock in size and construction, so far as I could judge from looking at her on the ways, and she was armed with a similar ram or

piercer on her stem. I have no doubt whatever that she is also intended for an iron-clad vessel of war.

(Signed) CHARLES PRENTIS.

Sworn at Liverpool, this 29th August, 1863.

Before me,

(Signed) W. G. STEWART, *Assistant Collector, Customs, Liverpool.*

No. 11.

Mr. Adams to Earl Russell.—(Received September 4.)

My Lord, *Legation of the United States, London, September 4, 1863.*

I HAVE the honour to transmit copies of several papers transmitted to me by Mr. Dudley, the Consul of the United States at Liverpool, relating to the preparation for immediate departure of the steam-vessel fitting out at that place for the purpose of carrying on war against the Government and people of the United States.

Begging your Lordship's permission here to record, in the name of my Government, this last solemn protest against the commission of such an act of hostility against a friendly nation, I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclôsure 1 in No. 11.

Mr. Dudley to Mr. Edwards.

Sir, *United States' Consulate, Liverpool, September 3, 1863.*

REFERRING to my application made to you so long since as the 7th day of July last, to detain a steam iron-clad ram built by Messrs. Laird for the Confederates, and launched on the 4th of July last, I have now to inform you that intelligence, on which I place full reliance, has reached me that the vessel is taking coal on board, and I apprehend that she may go to sea at any time unless detained.

I am, &c.

(Signed) THOS. H. DUDLEY.

Inclosure 2 in No. 11.

Messrs. Duncans, Squarey, and Blackmore to Mr. Edwards.

Sir, *10, Water Street, Liverpool, September 2, 1863.*

WE beg to hand you herewith another affidavit by Thomas Sweeney in reference to the iron-clad ram launched by Messrs. Laird and Co. on the 4th of July last, from which we submit it appears clearly that there is the greatest risk that the vessel may go to sea at any time. On behalf of the United States' Government we beg respectfully to urge upon you, in the strongest manner, the importance of taking immediate steps for the detention of the vessel in question.

We are, &c.

(Signed) DUNCANS, SQUAREY, AND BLACKMORE.

Inclosure 3 in No. 11.

Deposition of Thomas Sweeney.

I, THOMAS SWEENEY, of No. 57. Crosby Street, Liverpool, deck-plainer, make oath and say as follows:—

1. I was in the ship-building yard of Messrs. Laird Brothers, at Birkenhead, on Friday last, the 28th day of August last, at about 3 o'clock p.m., and I then saw in one of the graving or dry docks in the said yard the iron-clad ram referred to in the affidavit sworn by me on the 11th day of August last, before the Deputy Assistant Collector of Customs at Liverpool, as having been launched on the 4th day of July last, and known as "No. 294."

2. When I saw the said vessel on Friday last, as above mentioned, the forward turret had been put into the place prepared for it on board the said vessel a few feet aft of the foremast, and the other turret, intended for the after part of the said vessel, was on the quay alongside of the dock in which the vessel was lying, in a position from which it might be lifted at once, and placed on board the said vessel by the crane. The vessel has her masts in, and her rigging, so far as I could judge, is completed. She had no sails bent, but as her engines and machinery were all in order, and her funnel up, she is in a position to get up steam and go to sea at any time.

3. The graving dock in which the said vessel lies has direct communication with the River Mersey, from which it is separated by a caisson, so that the water can be let in at any time with the flood by removing the caisson.

Sworn at the Custom-house, Liverpool, this second day of September, one thousand eight hundred and sixty-three.

(Signed) THOS. SWEENEY.

Before me,
(Signed) W. G. STEWART, *Assistant Collector.*

No. 12.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 4, 1863.

WITH reference to your letter of yesterday's date, with respect to the iron-clad steam-rams from Messrs. Laird's yard at Birkenhead, as well as with reference to previous letters from you on the same subject, I have to inform you that the matter is under the serious and anxious consideration of Her Majesty's Government.

I am, &c.
(Signed) RUSSELL.

No. 13.

Mr. Adams to Earl Russell.—(Received September 5.)

My Lord,

Legation of the United States, London, September 5, 1863.

AT this moment, when one of the iron-clad war-vessels is on the point of departure from this kingdom on its hostile errand against the United States, I am honoured with the reply of your Lordship to my notes of the 11th, 16th, and 25th of July and of the 14th of August. I trust I need not express how profound is my regret at the conclusion to which Her Majesty's Government have arrived. I can regard it no otherwise than as practically opening to the insurgents free liberty in this kingdom to execute a policy described in one of their late publications in the following language:—

"In the present state of the harbour-defences of New York, Boston, Portland, and smaller Northern cities, such a vessel as the 'Warrior' would have little difficulty in entering any of those ports, and inflicting a vital blow upon the enemy. The destruction of Boston alone would be worth a hundred victories in the field. It would bring such a terror to the 'blue-noses' as to cause them to wish eagerly for peace, despite their overweening love of gain which has been so freely administered to since the opening of this war. Vessels of the 'Warrior' class would promptly raise the blockade of our ports, and would, even in this respect, confer advantages which would soon repay the cost of their construction."

It would be superfluous in me to point out to your Lordship that this is war. No matter what may be the theory adopted of neutrality in a struggle, when this process is carried on in the manner indicated from a territory and with the aid of the subjects of a third party, that third party, to all intents and purposes, ceases to be neutral. Neither is it necessary to show that any Government which suffers it to be done fails in enforcing the essential conditions of international amity towards the country against whom the hostility is directed. In my belief it is impossible that any nation retaining a proper degree of self-respect could tamely submit to a continuance of relations so utterly deficient in reciprocity. I have no idea that Great Britain would do so for a moment.

After a careful examination of the full instructions with which I have been furnished in preparation for such an emergency, I deem it inexpedient for me to attempt any recurrence to arguments for effective interposition in the present case. The fatal objection of impotency which paralyzes Her Majesty's Government seems to present an insuperable barrier against all further reasoning. Under these circumstances I prefer to desist from communicating to your Lordship even such further portions of my existing instructions as are suited to the case, lest I should contribute to aggravate difficulties

already far too serious. I therefore content myself with informing your Lordship that I transmit by the present steamer a copy of your note for the consideration of my Government, and shall await the more specific directions that will be contained in the reply.

I seize this opportunity to pray permission of your Lordship to correct a clerical error inadvertently made in my note of the 3rd instant, in inserting the dates of two notes of mine as having received the express approbation of my Government. The intention was to specify only one, that of the 11th of July. The correction is not material excepting as it conforms more strictly to the truth.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

No. 14.

Mr. Layard to Mr. Stuart.

(Extract.)

Foreign Office, September 5, 1863.

WE have given orders to-day to the Commissioner of Customs at Liverpool to prevent the two iron-clads leaving the Mersey. These orders had scarcely been sent when we received the note from Mr. Adams, of which I send you a copy.*

Mr. Adams is not yet aware that orders have been given to stop the vessels. You may inform Mr. Seward confidentially of the fact.

No. 15.

Earl Russell to Mr. Adams.

Foreign Office, September 8, 1863.

LORD RUSSELL presents his compliments to Mr. Adams, and has the honour to inform him that instructions have been issued which will prevent the departure of the two iron-clad vessels from Liverpool.

No. 16.

Mr. Adams to Earl Russell.—(Received September 10.)

My Lord,

Legation of the United States, September 9, 1863.

I HAVE the honour to acknowledge the reception of your Lordship's note of yesterday, announcing the determination of Her Majesty's Government to prevent the departure of the war vessels now fitting out at Liverpool. I shall take great pleasure in transmitting a copy for the information of my Government.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

No. 17.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 11, 1863.

I HAVE received your letter of the 5th instant. I have read it with great regret.

It has been the aim of the Government of Great Britain to maintain a strict neutrality between the parties who for two years have carried on a civil war of unusual extent and loss of life, on the Continent of North America.

Her Majesty's Government have for the most part succeeded in this impartial course. If they have been unable to prevent some violations of neutrality on the part of the Queen's subjects, the cause has been that Great Britain is a country which is governed by definite laws, and is not subject to arbitrary will. But law, as you are well aware, is enforced here, as in the United States, by independent Courts of Justice, which will not admit assertion for proof, nor conjecture for certainty.

In the United States, as in England, questions of this nature have been discussed by Judges of great legal ability, whose learning and impartiality have given weight and authority to their decisions in every part of the civilized world.

Her Majesty's Government feel confident that the President of the United States will be disposed rather to resort to those great expositors of international law, and to be guided rather by a careful examination of the course of Her Majesty's Government, than to yield to the hasty conclusions and prejudiced imputations of public clamour.

For instance, in the case still pending of the iron-clad steam-rans at Birkenhead, Mr. Seward, with his knowledge and perspicuity of judgment, cannot fail to acknowledge that it was necessary to show, not only that these vessels were built and equipped for purposes of war, but also that they were intended for the so-called Confederate States.

With a view to complete the evidence on this head, it was material to prove that the iron-clads were not intended for the French Government or for the Pasha of Egypt. With respect to the French Government, Her Majesty's Government have received, upon inquiry, assurances through Earl Cowley and the Marquis of Cadore that the French Government have nothing to do with the Birkenhead iron-clads.

With respect to the Egyptian Government, it was only on the 5th instant that Her Majesty's Government received a despatch from Mr. Colquhoun, Her Majesty's Consul-General in Egypt, which is conclusive on this subject.

Mr. Colquhoun reported, on the 28th August, that M. Bravay, a French subject and a member of the French Chamber of Deputies, had stated to Ismail Pasha very lately that the orders for the two iron-clads were given when Said Pasha was last in Paris. M. Bravay seems to have urged Ismail Pasha to fulfil the verbal contract of his predecessor, by purchasing these vessels, for which he, M. Bravay, had paid, as he alleged, a large sum on account. But Ismail Pasha, Mr. Colquhoun adds, refused to purchase these vessels.

From this example, and that of the vessels built for the Emperor of China, whose name was alleged all over the United States to be a mere sham to cover the real destination of the vessels, the President will gather how necessary it is to be dispassionate and careful in inquiries and statements upon subjects involving such great interests and affecting the good faith and character of a Power so honourable as Great Britain.

These matters will no doubt be duly and dispassionately considered by the Government at Washington, however they may have been understood in London.

I deem it right, however, to observe that the question at issue between yourself and Her Majesty's Government relates to two separate and distinct matters: the general international duties of neutrality, and the Municipal Law of the United Kingdom. With regard to the general duties of a neutral according to international law, the true doctrine has been laid down repeatedly by Presidents and Judges of eminence of the United States, and that doctrine is, that a neutral may sell to either or both of two belligerent parties any implements or munitions of war which such belligerent may wish to purchase from the subjects of the neutral, and it is difficult to find a reason why a ship that is to be used for warlike purposes is more an instrument or implement of war than cannon, muskets, swords, bayonets, gunpowder, and projectiles to be fired from cannon and muskets. A ship or a musket may be sold to one belligerent or the other, and only ceases to be neutral when the ship is owned, manned, and employed in war, and the musket is held by a soldier and used for the purpose of killing his enemy. In fact, the ship can never be expected to decide a war or a campaign, whereas the other things above mentioned may, by equipping a large army, enable the belligerent which acquires them to obtain decisive advantages in war. Then again, as regards the employment of the subjects of a neutral by either belligerent, it is obvious that even if the whole crew of a ship of war were composed of the subjects of a neutral, that crew would have less influence on the results of the war, than whole regiments and brigades employed on land, and composed of the subjects of a neutral State.

Now admitting that the Confederates have been able to employ some vessels built in the United Kingdom, in spite of the efforts of Her Majesty's Government to prevent it, and admitting also that which is believed to be the fact, that the Confederates have derived a limited supply of arms and ammunition from the United Kingdom, notwithstanding the Federal blockade of their ports, yet, on the other hand, it is perfectly notorious that the Federal Government have purchased in and obtained from the United Kingdom a far greater quantity of arms and warlike stores.

As far, then, as regards the drawing warlike supplies from the United Kingdom, the Federal Government has done in that respect a great deal more than the Confederates have done, and if in contradiction to the doctrine repeatedly and deliberately promulgated by Presidents of the United States, the furnishing of such supplies by the subjects of a neutral to one belligerent is, as you would seem to represent it, an act of war against the other belligerent, the United Kingdom of Great Britain must be deemed to be at war with both the contending parties in North America, but to have given greater assistance in the war to the Federals than to the Confederates.

But if the question with regard to war is to be raised, the difference is far greater. Even admitting, as asserted by you—though Her Majesty's Government have no knowledge

of the fact—that a small number of British subjects have, in defiance of Her Majesty's Proclamation, engaged in the service, either by sea or by land, of the Confederates, it might be asked whether no British seamen are now employed in the naval service of the United States' Government; at all events it is well known that large numbers of natural-born subjects of Her Majesty have fought and fallen in the ranks of the Federal armies, and it is confidently asserted, though Her Majesty's Government have no proof of the fact, that agents of the Federal Government are employed within the United Kingdom to engage subjects of Her Majesty to emigrate to the United States with a view of engaging, when there, in the military service of the Federal Government. Her Majesty's Government would fain hope that such reports are unfounded, because such a proceeding would not only be a departure from international comity, inasmuch as it would be tempting British subjects to act in violation of Her Majesty's Proclamation, but it would also be diametrically at variance with the doctrine laid down by the President of the United States upon a similar matter in 1855, during the war between Great Britain and Russia.

Upon the second branch of this subject, namely, the question how far Her Majesty's Government have enforced the Municipal Law of the United Kingdom, commonly called the "Foreign Enlistment Act," Her Majesty's Government can only repeat that they have taken every step to enforce that law which by legal authority they have been advised to be within their competency, and Her Majesty's Government will, from a due regard to their own good faith and to the national dignity, continue, without regard to any other consideration, to pursue the same course.

Her Majesty's Government forbear from making any remarks upon the passage which is quoted by you from some Confederate newspaper, the editor of which tries to show what damage the "Warrior" could inflict upon the sea-board of the Federal States.

Such remarks have happily no bearing upon the present state of things, and may be dismissed without comment.

Her Majesty's Government, in conclusion, can only hope that the Government at Washington may take a calmer and more dispassionate view of these matters than seems to be inferred from your note; but at all events Her Majesty's Government can with perfect sincerity assure you that it is their earnest desire faithfully to perform the duties of neutrality in the unhappy conflict which now devastates so large a portion of the States of North America, and that so far from being animated by any feelings of hostility towards either of the contending parties, they would deem it fortunate and honourable to Great Britain if any opportunity should occur which could offer to Her Majesty's Government the slightest chance of being in any way useful in promoting the establishment of peace.

I have to add that instructions have been issued for preventing the departure of the iron-clad vessels in question from Liverpool until satisfactory evidence can be given as to their destination, or, at all events, until the inquiries which are now being prosecuted with a view to obtain such evidence shall have been brought to a conclusion.

I am, &c.
(Signed) RUSSELL.

No. 18.

Mr. Adams to Earl Russell — (Received September 18.)

My Lord,

Legation of the United States, London, September 16, 1863.

I HAVE the honour to acknowledge the receipt on the 14th of your note dated on the 11th, in reply to mine of the 5th of the current month.

Your Lordship remarks that you had read my letter with great regret. On my part I am very sure that it could not exceed the regret with which I wrote it.

You are pleased to observe that Her Majesty's Government hopes my Government may take a calmer and more dispassionate view of the matters involved in this discussion than seems to be inferred from my note. If in that note I should have unfortunately led Her Majesty's Government to any inference of the kind, I can only assure your Lordship that the fault must be exclusively mine. At the same time I feel it my duty not to disguise from you the very grave sense it entertains of the danger that Her Majesty's Kingdom may be freely used by the enemies of the United States, in conjunction with numerous ill-disposed subjects of her own, to carry on a war against them in manner and spirit wholly at variance with the rules of neutrality which Her Majesty's

Government has prescribed for itself in the present contest, as well as with the stronger obligations of amity and good-will imposed by solemn Treaties long since entered into between the parties.

Your Lordship appears disposed to throw aside the extract made in my note from an insurgent publication as "happily having no bearing upon the present state of things." That publication was predicated upon the expectation raised by the report of the case of the "Alexandra," that no farther obstructions to the full execution of the policy therein indicated would be made in the ports of Her Majesty's kingdom. Coming as it did in corroboration of secret information derived from other sources, I certainly felt as if it was incumbent upon me to lay before you a view of the consequences not unlikely to result from the adoption of the conclusions announced to me in your note of the 1st, which fully justified that expectation. If Her Majesty's Government have not the power to prevent the harbours and towns of a friendly nation from being destroyed by vessels built by British subjects, and equipped, manned, and despatched from her harbours, with the intention to work that immense mischief, then is the neutrality of the kingdom nothing more than a shadow under which war may be conducted with more effect than if undisguised; and all international obligations, whether implied or expressed, not worth the paper on which they are written.

It is no part of my intention to renew with your Lordship the discussion of the extent to which a belligerent may draw resources from the territories of a neutral, nor yet to examine the degree in which the respective parties to the present contest have done so in Great Britain. The limit in the first instance is well known to be the law of trade which passively ignores the character of the purchaser. That limit I desire once more to declare to your Lordship has never been passed by the Government of the United States. Whatever may be the insinuations or intimations to the contrary, to which your Lordship alludes, the repeated and authorized denials of them made by me would seem in ordinary courtesy to be entitled to full confidence, at least so long as it is admitted that no evidence exists to impair its reputation for good faith.

On the other hand, the history of the past two years has proved, beyond the possibility of denial, that the insurgents have steadily and persistently been engaged in transgressing the limit above laid down. They have built ships, in the ports of this kingdom, with the intent to make war on the United States; they have equipped and armed those ships with the aid of British subjects; they have manned those ships by enlistments of British subjects; and without ever entering any insurgent harbour, they have sailed on the high seas, committing depredations on the property of the people of the United States, under the protection of the British flag. In advance of this series of proceedings, I have been steadily engaged in making representations of the danger of the same to your Lordship, the correctness of which has been almost uniformly verified by the result. In the very first instance in which I had the honour to present a remonstrance to your Lordship, the case of the gun-boat "Oreto," it appears from the admission of the individual now in command of that vessel under the name of the "Florida," that she was built in the port of Liverpool with the intent to carry on war against the United States. I quote from the language of a letter signed by J. N. Maffitt, which has appeared in the public prints, when I say that "that corvette has, in fact, been built and armed by the Government of the Confederate States of America." This building and arming are well known to have been done from the ports and harbours of Great Britain and its dependencies. And just so has it been with the other vessels of the same nature on the ocean that have never yet earned any national character excepting that which may attach to them from the territory where they were built, equipped, manned, and armed.

It is unnecessary for me to enlarge further upon this view of the case, or to contrast this conduct of the insurgents with that observed by the United States. I shall content myself only with pointing out to your Lordship that the suffering by Great Britain of such proceedings as I have complained of is in violation of the rules of neutrality established by the Law of Nations, as laid down by distinguished writers, including your Lordship, as well as of the very terms of the Enlistment Act, as adopted in this kingdom for the purpose of enforcing those rules.

This is the language of Martens on the subject:—

"Celui-là au contraire blesse les devoirs de la neutralité qui, sans engagements antérieurs . . . tolère sur son territoire les préparatifs militaires de l'une des Puissances belligérantes en souffrant des armements en course," &c.

I now quote from the authority of your Lordship himself:—

"Attempts on the part of the subjects of a neutral Government to take part in a war, or to make use of the neutral territory as an arsenal or barrack for the preparation and inception of direct and immediate hostilities against a State with which their

Government is at peace,—as by enlisting soldiers, or fitting out ships of war, and so converting, as it were, neutral territory into a hostile dépôt or post in order to carry on hostilities therefrom,—have an obvious tendency to involve in the war the neutral Government which tolerates such proceedings. Such attempts, if unchecked, might imply at least an indirect participation in hostile acts, and they are therefore consistently treated by the Government of the neutral State as offences against its public policy and safety, which may thereby be implicated.”

How far the Enlistment Act appears to have been infringed upon, I trust I need go no further to show than to quote the view with which your Lordship has heretofore honoured me of what acts constitute a violation of that Statute :—

“The Foreign Enlistment Act is intended to prevent the subjects of the Crown from going to war when the Sovereign is not at war. Thus private persons are prohibited from fitting out a ship of war in our ports, or from enlisting in the service of a foreign State at war with another State, or in the service of insurgents against a foreign Sovereign or State. In these cases the persons so acting would carry on war, and thus might engage the name of their Sovereign and of their nation in belligerent operations.”

And here your Lordship will permit me to remind you that Her Majesty's Government cannot justly plead the inefficacy of the provisions of the Enlistment Law to enforce the duties of neutrality in the present emergency, as depriving them of the power to prevent the anticipated danger. It will doubtless be remembered that the proposition made by you, and which I had the honour to be the medium of conveying to my Government, to agree upon some forms of amendment of the respective statutes of the two countries in order to make them more effective, was entertained by the latter, not from any want of confidence in the ability to enforce the existing statute, but from a desire to co-operate with what then appeared to be the wish of Her Majesty's Ministers. But upon my communicating this reply to your Lordship, and inviting the discussion of propositions, you then informed me that it had been decided not to proceed any further in this direction, as it was the opinion of the Cabinet, sustained by the authority of the Lord Chancellor, that the law was fully effective in its present shape.

It should here be observed that it was because I inferred from the language of your Lordship's note of the 1st of this month a virtual abnegation by Her Majesty's Government of all power practically to prevent the violation of these admitted obligations of neutrality notoriously going on within this kingdom, that I felt it my duty to represent, in firm, but I trust not disrespectful or unsuitable, language, the strong sense of injury which my Government would unquestionably entertain on learning the unfortunate conclusion to which they had arrived.

And here I must ask permission of your Lordship to observe that the disposition shown in that note to attach credit to a fraud which to me seemed so transparent as that attempted in the person of M. Bravay, was calculated to inspire in me the most serious fears of the possibility of my ever being able to interpose the smallest obstacle in future to the most barefaced imposture that might be practised in these cases on Her Majesty's Government. Well knowing the unscrupulous character of the parties engaged in these operations, I had every reason to apprehend they would always be prepared with some similar specious pretence to annul any attempts further to hinder their illegal operations.

The simulated ownership of this M. Bravay appears to have dated so long back as on the 3rd of July last. It was first alleged that it had been claimed through the official agency of the Consul of France at Liverpool. And in this form the story was honoured by the countenance of the First Minister, Lord Palmerston, in the debate which took place in the House of Commons on the 23rd of that month. Your Lordship will recollect that I took immediate measures to procure an effectual disavowal of that authority by the French Consul, and to furnish the evidence to you. Supposing that Her Majesty's Government were perfectly satisfied with this, you may judge of my extreme astonishment when I gathered from your note of the 1st instant that Her Majesty's Government nearly two months afterwards was still entertaining doubts about the truth of this story, and had not during the long interval obtained the evidence to set the matter at rest. Had your Lordship done me the favour to mention the doubt at any time, I flatter myself that I could have supplied the necessary proof to dispel that illusion. I could have pointed out the fact that M. Bravay, professing to act as the agent of the Pasha of Egypt, yet carefully abstaining from any communication with his alleged employer, had addressed himself instead to the Emperor of the French, to get the support of his Embassy in England, in order to effect the transfer of the vessels from under the British authority. He was foiled in this attempt by the plain answer that the ships having a foreign destination, the French agents had no authority to intervene with the British Government to

effect such a transfer. Not satisfied with making this answer, however, I am informed that the French Government at once applied to the Viceroy of Egypt, in order to verify the correctness of M. Bravay's statement. The answer was what might naturally have been inferred—a complete disavowal of any share in the transaction. M. Bravay on being applied to for a copy of any contract under which he could claim to act for the Pasha, was obliged to confess that he had none. But he then pretended that his agreement was verbal with a person who he was sure could not this time be confronted with him to prove his want of veracity, the late Pacha of the same country.

Such being the facts attending this extraordinary imposture, your Lordship may judge of my surprise on learning from your note that on the 1st of September, "the inquiries set on foot by Her Majesty's Government had failed to show that the statement of French ownership was without foundation." Furthermore that "there was no legal evidence against M. Bravay's claim, and that the responsible agent of the Customs at Liverpool affirmed his belief that these vessels had not been built for the Confederates." Lastly, that "upon these and other grounds Her Majesty's Government were advised that they could not interfere in any way with these vessels."

Under these circumstances, I trust, I may be pardoned if I was somewhat moved on perceiving that the peace of two great countries, and the lives of perhaps thousands of the people inhabiting them, were about to be seriously endangered by the acts of profligate and unscrupulous mischief-makers, whose operations were to be permitted by reason of the want of a scruple of technical evidence to prove a gross and flagrant fraud. With regard to the opinion of Her Majesty's Customs Agent at Liverpool, I had already had abundant cause to know the value of that in various preceding instances in which I have had occasion to address remonstrances against the notorious proceedings at that port. If Her Majesty's Ministers look no further for proof to invalidate the evidence which I have had the honour to present, I can readily foresee what will be the issue. I respectfully submit that the interests of two nations are of too much magnitude to be measured by the infinitesimal scale of the testimony permissible before a jury in a Common Law Court. I may be pardoned if I here remind your Lordship of the significant language used in a parallel case in former days by that distinguished British Statesman George Canning, when he deprecated the consequence of "permitting the paltry, pettifogging way of fitting out ships in British harbours" to "sneak his country into a war." It may, indeed, well be that the inability to prevent some violations of neutrality in past instances which your Lordship is candid enough to confess, may be regarded by the United States as proceeding from special causes, which ought not to impair confidence in the enforcement of a general policy of neutrality by Her Majesty's Government; but I pray your Lordship to consider what can be that security when all the barriers are virtually removed out of the way of an effective levying of war against them from this kingdom on the most formidable scale.

I feel it my duty to persist in the opinion that the evidence which I have had the honour to present to your attention in regard to the character and intent of the war-vessels fitting out at Liverpool is entitled to belief, at least so long as it is not rebutted by far stronger proof to the contrary than that held out by the unsupported word of a French commercial adventurer, proved to have been capable of prevarication, if not of absolute falsehood, or by the bare opinion of an official person probably entertaining a sympathy with the cause of the guilty parties. The very fact that resort has been had to such flimsy pretences to prevent the detection of the true object seems to afford the strongest proof that that object is not a lawful one, and is the one pointed out in that evidence. All exterior circumstances go to confirm this view. The universal impression notoriously existing in Liverpool, the concurrent intimations of the Press of the insurgent States, and the absence of any other suitable explanation, though not constituting in themselves technical evidence, are yet important adjuncts to that which may fairly be classed under the definition. For myself, I must add that I entertain not a shadow of doubt that the substance of the evidence is true. If, then, there be any virtue in the authority upon which Her Majesty's Government deliberately decided that the provisions of the Enlistment Act could be enforced, without the need of any amendment, this is surely a most fitting and urgent occasion upon which all the majesty of the law may be invoked to the end of establishing justice and maintaining peace.

In conclusion, I pray your Lordship's attention to the fact that, in spite of the decision to which Her Majesty's Government appear to have arrived, and which you have done me the honour to communicate to me, I have reason to believe that no efforts are intermitted to prepare the war-vessels for immediate departure. Well acquainted as I am with the desperate character of the chief persons engaged in the insurrection in the United States, I shall be little surprised at learning of their resort to any and every

expedient, however audacious or dishonest, which may have for its object the possession of these formidable ships.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 19.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 25, 1863.

I HAVE had the honour to receive your letters of the 16th and 17th of September.*

As the whole question is under the consideration of Her Majesty's Government, and the orders given not to permit the iron-clads to leave Liverpool until further inquiry has been made seem to be sufficient for the purpose of the present moment, I will delay any answer to those letters till the facts have been more fully ascertained.

It is right to inform you that upon receiving assurances, which the Treasury consider satisfactory, that the vessel shall be returned to Birkenhead, the Messrs. Laird have been permitted to make a trial trip with the vessel which is the most advanced.

I can assure you that I am not less anxious than yourself that the duties of neutrality should be performed strictly and impartially by the Government of Great Britain.

There are, however, passages in your letter of the 16th, as well as in some of your former ones, which so plainly and repeatedly imply an intimation of hostile proceeding towards Great Britain on the part of the Government of the United States, unless steps are taken by Her Majesty's Government which the law does not authorize, or unless the law which you consider as insufficient is altered, that I deem it incumbent upon me, in behalf of Her Majesty's Government, frankly to state to you that Her Majesty's Government will not be induced by any such consideration, either to overstep the limits of the law or to propose to Parliament any new law which they may not, for reasons of their own, think proper to be adopted. They will not shrink from any consequences of such a decision.

I am, &c.
(Signed) RUSSELL.

No. 20.

Mr. Adams to Earl Russell.—(Received September 26.)

My Lord,

Legation of the United States, London, September 24, 1863.

I AM credibly informed that seventy or more of the men belonging to the insurgent vessel the "Florida," formerly the "Oreto," nearly all of them British subjects, have been sent over from Brest, and are now in Liverpool. They were provided with a letter to the person acting on behalf of the insurgents at Liverpool, a copy of which is herewith transmitted. I need not point out to your Lordship the fact that the last sentence implies habitual action in direct violation of the law of the realm; such, indeed, as if committed by any Agent of the United States would be likely to attract the immediate notice of Her Majesty's Government. It corroborates all the evidence heretofore presented by me on the same subject. I have further reason to believe that under this sentence is intended a transfer of many of these men to one of the iron-clad war-vessels now in preparation at Liverpool with intent to carry on war against the United States. It is known to me that the intention to dispatch that vessel is not yet abandoned by the parties concerned in the enterprise.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 20.

Commander Maffit to Captain Bullock, C.S.N.

Sir,

"Florida," Brest, September 3, 1863.

HEREWITH I send you a list of men discharged from the "Florida," with their accounts and discharges. Many of them have asked for transfers, and others for reference to you or to a Confederate agent. I would request you to provide them situations in the service.

I have, &c.
(Signed) J. N. MAFFIT.

* For Letter of 17th December, see "North America, No. 1 (1864)," No. 15.

No. 21.

Mr. Adams to Earl Russell.—(Received September 29.)

My Lord,

Legation of the United States, London, September 29, 1863.

I HAVE the honour to acknowledge the reception of your note of the 25th instant. I shall take pleasure in transmitting a copy to my Government.

I must pray your Lordship's pardon if I confess myself at a loss to perceive what portions of my late correspondence could justify the implications to which you refer. So far from intimating "hostile proceedings towards Great Britain" "unless the law which I consider as insufficient is altered," the burden of my argument was to urge a reliance upon the law as sufficient, as well from the past experience of the United States as from the confidence expressed in it by the most eminent authority in the Kingdom.

Neither do I find any ground for the other implication. It is very true that I have deeply regretted the supposition that Her Majesty's Government should admit itself powerless to execute any of those obligations which are recognized by the consent of civilized nations, as well as the faith of Treaties to be binding equally upon all; and I have taken the liberty to point out the consequences which follow that inability, in the absolute necessity imposed upon an aggrieved party to defend itself from the worst of injuries. This is the principle which I have been directed to maintain, not from any idea of presenting any form of condition whatever to Her Majesty's Government, but from a confident expectation that an address to its sense of right may avail to gain for the United States exactly the same measure of justice which it would expect from that country in return were the respective situations reversed.

If in any respect I have appeared to transgress the line of argument here laid down, I pray your Lordship to consider the fault as one not of intention on my part, and not at all belonging to my Government.

In transmitting your Lordship's note, without further comment, I shall hope to be able to submit the question in what degree its sentiments may been in any particular misinterpreted by me.

I trust that it is unnecessary for me to make any assurances to your Lordship of the earnestness with which I have ever striven to maintain to the utmost of my power the relations of amity and goodwill between the two countries.

I pray, &c.

(Signed)

CHARLES FRANCIS ADAMS.

No. 22.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, September 30, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 24th instant, calling my attention to the arrival at Liverpool of a large party of men belonging to the Confederate steamer "Florida;" and I have to acquaint you that I lost no time in communicating to the Secretary of State for the Home Department copies of your letters and of its inclosures.

I have to add, however, that the attention of Her Majesty's Government had been some days previously to the receipt of your letter attracted by paragraphs in the public papers to the arrival of these men, and that inquiries were at once set on foot, and that the course which can be taken in regard to them is under the serious consideration of Her Majesty's Government.

I am, &c.

(Signed)

RUSSELL.

No. 23.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, October 5, 1863

I HAVE the honour to acknowledge the receipt of your letter of the 29th September in answer to mine of the 25th of that month, and I am very glad to find that I had misunderstood you, and that the passages in your correspondence which had led to my observations were merely intended by you to express your confidence that the sense of right on the part of Her Majesty's Government would avail to gain for the United States exactly the same measure of justice which it would expect from the United States in return, were the respective situations reversed.

I am, &c.

(Signed)

RUSSELL.

No. 24.

Mr. Adams to Earl Russell.—(Received October .)

My Lord,

Legation of the United States, London, October 12, 1863.

I TAKE great pleasure in performing the duty imposed on me by my Government of expressing its satisfaction with the intelligence which I had the honour of communicating to it by the transmission of your Lordship's note to me of the 8th of September.

The President, not insensible of the difficulties in the way of the decision to which Her Majesty's Government in that note signified it had arrived, is gratified in being able to regard it in the light of a sincere desire on just principles to maintain its friendly relations with the United States. I am therefore instructed to inform your Lordship that the Government will hereafter hold itself obliged, with even more care than heretofore, to endeavour so to conduct its intercourse with Great Britain as that the war in which it is now unhappily involved may, whenever it may terminate, leave to neither nation any permanent cause of discontent.

I pray, &c.

(Signed)

CHARLES FRANCIS ADAMS.

No. 25.

Lord Lyons to Earl Russell.—(Received January 11.)

My Lord,

Washington, December 24, 1863.

I HAVE the honour to transmit to your Lordship an extract from the Washington newspaper "Star" of the 19th instant, containing what purports to be parts of a Report of the Secretaries of the so-called Confederate Treasury and Navy.

Your Lordship will observe that the Secretary of the Navy states, that during the months of July and August, he sent twenty-seven commissioned officers and forty trustworthy petty officers to the British Provinces with orders to organise an expedition and co-operate with army officers in an attempt to release the prisoners on Johnson's Island.

The Secretary also states that by the last courier he had sent instructions that would shortly be made apparent to the enemies of the Confederates nearer home. This passage is supposed to refer to the plan for the seizure of United States' vessels by Confederates embarking as passengers, which was executed in the case of the "Chesapeake."

The Secretary gives, moreover, particulars respecting contracts for building iron-clad vessels for the Confederate service, in England and France, and respecting the use to which those vessels were to be put.

I have sent the newspaper extract to the Governor-General of Canada.

I havé, &c.

(Signed)

LYONS.

Inclosure in No. 25.

Extract from the "Star" of December 19, 1863.

A MISERABLE COUPLE.—MEMMINGER AND MALLORY IN A MUDDLE.—The official reports of the rebel Secretaries of the Treasury and Navy, Memminger and Mallory, are even more lugubrious in tone, if that were possible, than that of their master Jeff.

The whole actual receipts into the rebel treasury within the ten months covered by Memminger's report is less than ten millions of dollars; the war tax yielding only \$4,128,988, and sequestration of the property of Union men, \$1,862,550; customs, \$934,798; export duty on cotton, \$8,101; and the patent fund, \$10,794. The other receipts (apparent) have been from borrowed money and the issue of notes.

Mr. Memminger estimates that with the present amount of rebel debt, and what will be due at the end of the year 1864; the frightful aggregate will be \$2,500,000,000. The debt now is loosely stated at \$1,000,000,000, of which \$800,000,000 are treasury notes. Mr. Memminger declares that the only plan that he can devise is, to restore the currency to a specie basis. The Confederacy has been disappointed in supplies from abroad. It expected immense sums to it for their cotton and for the privilege of trade, but the yield has been very trifling. Less than a million of dollars has been received for the customs revenue of all the rebel States, and yet Jeff. Davis tells Europe that the blockade is inefficient. Mr. Memminger intends to borrow a few hundred millions more, and desires the

wise men at Richmond to devise means to pay the interest in specie. The latter is to be raised by a specie tax, which is to be wrung out of a population entirely destitute of coin, or by the creation of notes, to be received as specie. The whole affair is evidently a sublime muddle to Mr. Memminger.

He has a sort of dazed idea, however, that the Confederate people can be forced into taking the bonds by the requirement that they shall pay half their tax in coin or coupons, thus creating a demand for the coupon bonds.

The parties most likely to contribute to the loan, Mr. Memminger thinks, are banks, railroad companies and capitalists, and they all have a direct interest in taking up a loan that will retire the currency and thus reduce prices. In reply to the objection that the limitation of the time in which the Treasury notes may be redeemed is a violation of the compact, expressed or implied, on which they were taken, Mr. Memminger raises the argument that the measure is a necessity of war, and unless it is adopted these very notes will cease to be of value. He says, "The proposed scheme tenders the creditor payment of his debt before it is due in a security of greater value. The Government, in effect, does what an honest creditor in distress is bound to do—recognizes its debt, offers the best security in its power for payment, and asks for time. If the currency remains in its present state prices must advance, taxes become fruitless by reason of the depreciation of the money, the army cannot be paid or fed, the Government cannot be supported, and the country must succumb. Calamities so disastrous must be averted by every means within the power of the Government. No contract, however solemn, can require national ruin, and in such case the maxim must prevail that the public safety is the supreme law."

Mallory, Secretary of the Confederate Navy, has a budget of disasters to chronicle.

On the Mississippi many of the Confederate vessels "were either captured by the enemy or burned by our officers to prevent them from falling into the hands of the United States' forces." He has a crumb of satisfaction in the capture of the "Harriet Lane," but "owing to the vigilance of the enemy" he has "not deemed it advisable to attempt any offensive operations."

He had designed to "harass the enemy" severely with the Nashville, but "unfortunately she was destroyed by the enemy." The ram "Queen of the West" was "recaptured by the enemy," with her officers and crew, "the result of carelessness on the part of the commander."

Owing to the surrender of Port Hudson and Vicksburg, the machinery prepared for western rebel boats in progress of construction is declared useless, and Mallory advises that it be sold. The following paragraphs are significant, as showing the nature of the rebel plot for the release of Confederate prisoners on Lake Erie, as admitting to the fullest by rebel official authority what the British Government seems to find difficult to prove—*i.e.*, the rebel ownership of the rams in the Mersey; and further, the important fact that both England and France are now turning the cold shoulder to the rebel pirates:—

"During the months of July and August, I sent twenty-seven commissioned officers and forty trustworthy petty officers to the British Provinces, with orders to organize an expedition, and co-operate with army officers in an attempt to release the Confederate prisoners confined on Johnson's Island, in Lake Erie. From time to time I learned that the arrangements made were such as to insure the most complete success. A large amount of money had been expended, and just as our gallant naval officers were about to set sail on this expedition, the English authorities gave information to the enemy, and thus prevented the execution of one of the best planned enterprises of the present war.

"In accordance with the order of the President, early in the present year I dispatched several agents to England and France with orders to contract for eight iron-clad vessels, suitable for ocean service, and calculated to resist the ordinary armament of the wooden vessels of the enemy. These ships were to be provided with rams, and designed expressly to break the blockade of such of the ports as were not blockaded by the iron-clad monitors of the enemy. Five of these vessels were contracted for in England, and three in France. Due precautions were taken against contravening the laws of England in the construction and equipment of the vessels. They have been completed, but owing to the construction of her neutrality law, the Government of England stationed several war-vessels at the mouth of the Mersey, and prevented their departure from England. Subsequently they were seized by the British Government. Another and larger vessel has since been completed, but it is doubtful if she will be allowed to leave the shores of England, although it is believed the precautions taken are sufficient to exempt her from the fate of her consorts.

"The vessels being constructed in France have been subjected to so many official visitations that I have forwarded instructions to cease operations upon them, until the result of negotiations now pending shall permit our agent to resume work upon them. In this

connection it is proper for me to state that the great revulsion in popular sentiment, both in England and France, towards the Confederate Government has rendered our efforts to obtain supplies from those countries almost abortive. In view of all possible contingencies I have instructed the agents of this Department to wait a more favourable opportunity for carrying out the instructions previously forwarded. By the last courier I sent instructions that will shortly be made apparent to our enemies nearer home. I do not deem it advisable to communicate any portion of these plans to your honourable Body at the present time, for reasons perfectly satisfactory to the President.

"Although the operations of our navy have not been extensive, I cannot overlook the services of Captain Semmes in the 'Alabama.' During the year, he has captured upwards of ninety vessels, seventy of which he destroyed, the others being either bonded or released. One of the greatest drawbacks this officer reports having experienced is the difficulty he now has in procuring full supplies of coal. The provincial English authorities have hitherto afforded him every facility, but recently they have interpreted their neutrality laws so stringently that our war-vessels and privateers are much embarrassed in obtaining suitable supplies."

No. 26.

Lord Lyons to Earl Russell.—(Received January 16.)

My Lord,

Washington, December 31, 1863.

I HAVE the honour to inclose an extract from the "New York Times" newspaper of yesterday, containing a complete copy of the Report of the Secretary of the so-called Confederate Navy.

The passages concerning the invasion of Canada, the construction of iron-clads in England and France, and the passage suppose to refer to the projects for seizing the "Chesapeake" and other vessels, were among those parts of the Report which were transmitted to your Lordship with my despatch of the 24th instant.

I have, &c.
(Signed) LYONS.

Inclosure in No. 26.

Report of the Secretary of the Confederate Navy.

Hon. T. S. Bocock, Speaker of the House of Representatives, Confederate States of America.

Sir,

I HAVE the honour to submit herewith my third Annual Report of the condition of this Department. The operations of this branch of the Confederate service have been chiefly confined to preparations for ridding our waters of the enemy's vessels now blockading our seaports. We have also been engaged in building, arming, and equipping iron-clads and other steamers for service in our rivers and inland sounds. On the Mississippi many of these vessels have done valuable service to our cause, while others, not yet completed, were either captured by the enemy or burned by our officers to prevent them from falling into the hands of the United States' forces. On the 1st of January some of our naval officers manned a steamer and two schooners, in which they sailed forth from the harbour of Galveston, and captured the United States' gun-boat "Harriet Lane," safely withdrawing her out of the reach of the other United States' vessels then blockading that port.

The "Harriet Lane" has since been put into complete order, and has on board a sufficient number of officers and men ready for an opportunity to distinguish themselves. Owing to the vigilance of the enemy, I have not deemed it advisable to give orders for this vessel to attempt any offensive operations. In accordance with my instructions, the Confederate steamer Florida successfully ran the blockade from Mobile on the 13th of January, since which time she has been engaged in operations against the commerce of the enemy, capturing and destroying vessels and property amounting already to several millions of dollars. On the 17th of the same month, the "Alabama" destroyed the United States' gun-boat "Hatteras," in the Gulf of Mexico, for which daring exploit her commander deserves the thanks of the Congress. On the 31st of the same month, three of our iron-clad steamers, officered and manned by some of the bravest men of our navy, succeeded in

inflicting serious injury upon the blockading fleet off Charleston harbour. Two of the enemy's vessels were disabled, and although one of them surrendered we were unable to secure the fruits of this victory, owing to the injury sustained by our own vessels, by the collision that occurred.

Had the commander of this expedition been careful to strike the enemy amidships, his vessel would have remained uninjured, and our victory would have been complete. I had ordered a crew to be detached for service on the steamer "Nashville," designing to use her for the purpose of harassing the enemy while erecting batteries at the mouth of the Ogechee river; but unfortunately she was destroyed by the enemy before my plans were carried out. On the 16th of April, the ram "Queen of the West," which we had captured from the enemy, was recaptured, and her officers and crew, numbering one hundred and twenty persons, made prisoners. This occurrence was the result of carelessness on the part of the commander, who has since been cashiered and dismissed from the service. During the months of May and June, our gun-boats on the Western waters actively co-operated with our land forces, and, although operating under many disadvantages, many gallant exploits were performed by their officers and crews.

Owing to the evacuation of Vicksburg and the surrender of Port Hudson, I deemed it advisable to give orders to withdraw all our vessels in that region to safe and secure harbours, and cease the construction of those contracted for, the machinery for which was being transported to the several depôts. Some of this machinery is now stored at various points, and as it seems unlikely to be required for service at the West, and is unsuitable for use elsewhere. I suggest that it be sold, and the proceeds be applied to other purposes. On the seas some of our small privateers have inflicted considerable injury upon the enemy's commerce. The "Tacony" entered the harbour of Portland, and captured the United States' revenue cutter "Caleb Cushing." Owing to ignorance of the harbour, our officers were unable to take the "Cushing" out to sea, and she was again recaptured on the 27th of June by vessels sent in pursuit. Her crew were made prisoners.

During the months of July and August I sent twenty-seven commissioned officers and forty trustworthy petty officers to the British Provinces, with orders to organize an expedition and to co-operate with army officers in an attempt to release the Confederate prisoners confined on Johnson's Island, in Lake Erie.

From time to time I learned that the arrangements made were such as to insure the most complete success. A large amount of money had been expended, and just as our gallant naval officers were about to set sail on this expedition, the English authorities gave information to the enemy, and thus prevented the execution of one of the best planned enterprises of the present war. In accordance with the order of the President, early in the present year I despatched several agents to England and France, with orders to contract for eight iron-clad vessels suitable for ocean service, and calculated to resist the ordinary armament of the wooden vessels of the enemy. These ships were to be provided with rams, and designed expressly to break the blockade of such of the ports as were not blockaded by the iron-clad monitors of the enemy. Five of these vessels were contracted for in England and three in France. Due precautions were taken against contravening the laws of England in the construction and equipment of these vessels. Three have been completed, but owing to the unfriendly construction of her neutrality laws, the Government of England stationed several war-vessels at the mouth of the Mersey, and prevented their departure from England. Subsequently they were seized by the British Government. Another and larger vessel has since been completed; but it is doubtful if she will be allowed to leave the shores of England, although it is believed the precautions taken are sufficient to exempt her from the fate of her consorts. The vessels being constructed in France have been subjected to so many official visitations that I have forwarded instructions to cease operations upon them until the result of negotiations now pending shall permit our agent to resume work upon them. In this connection, it is proper for me to state that the great revulsion in popular sentiment, both in England and France, toward the Confederate Government, has rendered our efforts to obtain supplies from those countries almost abortive. In view of all possible contingencies, I have instructed the agents of this Department to wait a more favourable opportunity for carrying out the instructions previously forwarded. By the last I sent instructions that will shortly be made apparent to our enemies near home. I do not deem it advisable to communicate any portion of these plans to your honourable Body at the present time, for reasons perfectly satisfactory to the President.

Although the operations of our navy have not been extensive, I cannot overlook the services of Captain Semmes in the "Alabama." During the year he has captured upward of ninety vessels, seventy of which were destroyed, the others being either bonded or released. One of the greatest drawbacks this officer reports having experienced, is the difficulty he now has in procuring full supplies of coal. The provincial English authorities have hitherto

afforded him every facility, but recently they have interpreted their neutrality laws so stringently that our war vessels and privateers are much embarrassed in obtaining suitable supplies. I have instructed Captain Semmes to purchase coal from neutral shipmasters wherever he found it, and give them every necessary document to protect them against the effect such sale may have upon their vessels when they return to their several countries. By this means I anticipate a sufficient supply of coal will be obtained to enable him to continue his operations during the coming year.

The other operations of this Department have been chiefly confined to making such preparations for naval operations as circumstances might permit. From time to time I have caused surveys to be made upon steamers running the blockade, with a view of purchasing such as could be made available as war-vessels. Several have been bought and are now being transformed into ships of war.

For the armament of these vessels it will be necessary that Congress should make an additional appropriation. Appropriations will also be required to conduct our naval operations during the coming year. The estimated expenditure of the Department for the fiscal year ending July 1, 1864, will amount to \$27,249,890, in addition to \$14,024,016 remaining to the credit of this Department in the Treasury. Since my last annual report, the expenditures for the navy have been \$24,413,645. The business transacted during the year in this Department has kept my very large clerical force so constantly engaged that from time to time I have ordered a number of naval officers to assist them in duties not properly devolving upon them. This course occasions so much dissatisfaction that I trust Congress will make such addition to my official staff as shall enable me to permit all our naval officers to resume their respective positions. The great disproportion of officers in our service to the seamen enrolled is a matter requiring the legislation of Congress. The number of commanders, now on active service, either at sea or on shore, remains the same as previously reported.

Many of those occupying a lower grade in the service have volunteered in the army, owing to their desire to be actively employed against the enemy. I have not accepted the resignations of these gentlemen, but furnished them with temporary absences, until I can recall them for the performance of other duties. I have considered it important to keep the roll as complete as possible; therefore, whenever I have been notified of the death of any naval officer, serving in the army, I have appointed his successor. The total number of commissioned officers at present attached to the Confederate army is 383. The petty officers number 191, while the roll of sailors gives a return of 877, not including those on board of vessels now at sea, accurate rolls not having been transmitted.

In conclusion, I must add my testimony to the gallantry and efficiency of our navy, who have nobly sustained our cause under many trying circumstances. The proud spirit of our officers chafes at the inaction they are compelled to endure; and I trust that Congress will make provision for increasing the efficiency of this Department, and permitting it to undertake more offensive operations against the enemy. In conclusion, I would recommend the immediate passing of an Act authorizing the construction of at least six turreted iron-clads for harbour operations. The experience of the past year has demonstrated that such vessels are absolutely necessary if we expect to break through and destroy the blockade at present established by the enemy. Attached to this communication I have the honour to submit the various reports of different commanders and officers sent upon detached duty, together with the reports of naval agents and other officers, at home and abroad, who have been engaged on duty connected with this Department.

All of which is respectfully submitted.

(Signed)

S. R. MALLORY, *Secretary of the Navy.*

No. 27.

Mr. Adams to Earl Russell.—(Received January 19.)

My Lord,

Legation of the United States, London, January 19, 1864.

I HAVE the honour to submit to your consideration a copy of what purports to be the Annual Report of Mr. S. R. Mallory, the person who is known to be officiating at Richmond as Director of the Naval Operations of the insurgents in the United States. Although this paper has been received only in the form here presented, I entertain little doubt that in substance it may be relied upon as authentic.

If this be once assumed, I am sure I need not point out to your Lordship the great importance of the admissions therein made of the systematic violation of the neutrality of

Her Majesty's Kingdom, which it has for a length of time been my chief labour to make apparent. This Report boldly assumes the responsibility for the action both in Great Britain and France, in the construction and outfit of powerful war-vessels in their ports, for the use of the insurgents in carrying on war from those countries against the United States. In this particular there can be found little or nothing in the allegations made by me in the notes which I have heretofore had the honour to address to you on this subject, however strong their language, that is not fully sustained by this paper.

Furthermore, there appears to be an avowal, with similar frankness, of the expediting of twenty-seven so-called commissioned officers and forty trustworthy petty officers from Richmond to the British Provinces, with orders to organize an expedition from thence in co-operation with the so-called army officers, to make war on the northern adjoining borders of the United States. Of the fact that such an enterprise was actually undertaken, your Lordship is already well apprised. This paper does not hesitate to confess that, although so cunningly contrived to operate from a known neutral territory as a base, it has failed because the British Provincial authorities gave information to the Government of the United States in season to render it abortive.

Lastly,—in connection with these two explicit avowals, the same authority announces that another courier has been despatched with instructions which will shortly be made apparent to the enemy nearer home. Which declaration, construed by later events, may be fairly understood to allude to the directions under which the persons employed to perpetrate the piracy and murder committed on board the steamer "Chesapeake" proceeded in that enterprise, making the British Provinces of New Brunswick and Nova Scotia the base of their criminal operations to and fro.

In laying this information before your Lordship I am directed to convey the opinion of my Government that the proof thus furnished is sufficient to remove all doubt that may yet be lingering over the objects, character, and designs of the builders of the steam-rams now under detention in the ports of this kingdom, upon the strength of former representations which I have had the honour to make to Her Majesty's Government.

Secondly. Whilst readily acknowledging on the part of my Government the friendly services of the British Provincial Authorities in the case referred to, I am instructed to solicit your Lordship's attention to the fact that a toleration within this kingdom or any of its dependencies of the practices of the insurgents since they have been so openly published to the world, and after the knowledge of them now communicated, would be not simply inconsistent with neutrality, but equivalent to a permission to the enemies of the United States to make war against them from the British shores.

Thirdly. I am further directed respectfully to represent that the toleration of these avowed enemies of the United States, whilst known to be carrying on these hostile practices, now fully revealed, within the British realm and its dependencies, without restraint of any kind, cannot be regarded as an exercise of the unquestioned right of sheltering political exiles, but rather as equivalent to permitting them to abuse that right for the purpose of more effectually availing themselves of British aid and co-operation, now notoriously given them, in waging war with a country with which Great Britain is at peace.

Fourthly. It is the deliberate conviction of my Government that there has been and continues to be in all these proceedings a fixed purpose to plunge Great Britain into a war with the United States, in order to extricate the conspirators from the perilous embarrassments in which they have involved themselves. The tendency to produce that evil is so obvious that it would seem to call for the strongest and most persevering efforts of both countries to prevent it.

Fifthly. It has been the desire of my Government, under the constant pressure of these annoyances, which have so materially contributed to procrastinate the painful struggle, to bear itself in the spirit and in the manner best calculated to defeat this wicked design, without giving cause of offence or irritation to Her Majesty's Government or to the British people.

The President sincerely wishes that he could suggest any adequate remedy for the deplorable state of things thus presented, that is not inconsistent with the policy which Great Britain has pursued in regard to this insurrection. It must ever be his opinion, that it has directly resulted, although unexpectedly and unintentionally on the part of Her Majesty's Government, from the earliest step taken in that policy. The speedy recognition of the insurgents, at a moment when they were without navy, ports, courts, or coasts, as a belligerent Power on the ocean, was unquestionably construed by them and by ill-disposed British subjects conspiring with them, as an invitation to use British ports, ships, men, money, and coasts, so as to make themselves the naval power which they never could by any possibility become from their own unaided resources.

Indications of active co-operation in the designs of the insurgents have been all along but too painfully apparent in British communities. The evidences of it have already constituted a large part of the correspondence which I have had the honour to conduct with your Lordship since the day of my arrival. And much more that I have been unable to put into official form has not escaped my observation. None of these movements, however, are likely to assume so dangerous a character as those which are perceived to originate or to be encouraged in territories coterminous with those of the United States, where the opportunities abound for aggressive and injurious acts, and the temptation as well as the power to retaliate is correspondingly strong. It must be manifest that this danger is one which my Government can do no more to avert than it has already done. If it is to be prevented at all, it would seem that a resort to some measures of greater stringency than have yet been taken is necessary on the part of Her Majesty's Government.

In making, in the most respectful manner, these frank explanations of the difficulties under which the respective countries at present labour, I pray your Lordship to believe that my Government is desirous to act in a spirit of perfect friendliness, and with an earnest desire to confirm the most cordial relations between them. Having acquitted myself of the duty with which I have been charged, I propose, for the present, most respectfully to leave the whole subject for your Lordship's just consideration.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 27.

Report of the Secretary of the Confederate Navy.

[See Inclosure in No. 26.]

No. 28.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, February 8, 1864.

HER Majesty's Government have had under their consideration the representations contained in your letter of the 19th ultimo with regard to the alleged use of British territory for belligerent purposes by the Government of the so-styled Confederate States, as shown in the Report of the Confederate Secretary of the Navy, Mr. Mallory, of which you inclosed a copy; and I have now to state to you that this document appears to Her Majesty's Government to contain the strongest proof, if any were wanted, that they have endeavoured in good faith to observe strictly and impartially, under circumstances of no small difficulty, the obligations of neutrality which they have undertaken, and that the practical effect of their doing so has been advantageous in no slight degree to the more powerful of the two belligerents, namely, the United States.

What is termed in Mr. Mallory's Report "the unfriendly construction of Her Majesty's Laws" is therein made matter of grave complaint against England by the Government of the so-styled Confederate States, while to the same cause is ascribed the fact that those States have been prevented from obtaining the services of the greater part of a formidable war-fleet which they had desired to create.

Her Majesty's Government are fully sensible of the nature and importance of the admissions made in Mr. Mallory's Report of the endeavours of the Government of the so-styled Confederate States, by their agents in this country and in Canada, to violate in various ways Her Majesty's neutrality.

Her Majesty's Government have already taken steps to make that Government aware that such proceedings cannot be tolerated, and Her Majesty's Government will not fail to give to these admissions, to which you have invited their attention, the consideration which they undoubtedly deserve.

There is, however, one passage in your letter which it is impossible for Her Majesty's Government to pass over without special notice. This passage is as follows:—"I am further directed respectfully to represent that the toleration of these avowed enemies of the United States, whilst known to be carrying on these hostile practices, now fully revealed, within the British realm and its dependencies, without restraint of any kind, cannot be regarded as an exercise of the unquestioned right of sheltering political exiles, but rather

as equivalent to permitting them to abuse that right for the purpose of more effectually availing themselves of British aid and co-operation now notoriously given them in waging war with a country with which Great Britain is at peace."

In reply to this allegation, Her Majesty's Government think it right to state that Her Majesty's dominions must necessarily continue to be open to the subjects of both belligerents as long as Her Majesty is at peace with both of them, but that Her Majesty's Government will, at the same time, continue to put in force, as they have hitherto done, to the full extent of the means in their power the laws of this country against those subjects of either of the belligerents who may be found by transgressing those laws to have abused the rights of hospitality and to have offended against the authority of the Crown.

With regard to its being made a matter of complaint by the Government of the United States, that Her Majesty's Government thought fit, upon the original commencement of hostilities, to recognize the status of belligerents in both the parties to this unhappy contest, Her Majesty's Government can only repeat the observation which they have had occasion to make on former occasions in reply to similar representations received from you, that any other course would have justly exposed this country to a charge of violating the clearest principles and soundest precedents of international law.

I am, &c.
(Signed) RUSSELL.

NORTH AMERICA.

No. 5. (1864.)

Correspondence respecting Iron-clad Vessels
building at Birkenhead.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

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NORTH AMERICA.

No. 6. (1864.)

CORRESPONDENCE

RESPECTING

THE “TUSCALOOSA.”

Presented to the House of Commons by Command of Her Majesty.

1864.

LONDON:

PRINTED BY HARRISON AND SONS.

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Correspondence respecting the "Tuscaloosa."

No. 1.

The Secretary to the Admiralty to Mr. Hammond.—(Received September 20.)

Sir,

Admiralty, September 26, 1863.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral Sir Baldwin Walker, dated the 19th August, with copies of its inclosures, relative to the proceedings of vessels of war of the so-styled Confederate States of North America at the Cape of Good Hope.

I am, &c.

(Signed)

W. G. ROMAINE.

Inclosure 1 in No. 1.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"Narcissus," Simon's Bay, August 19, 1863.

I BEG you will be pleased to acquaint my Lords Commissioners of the Admiralty with the following particulars relative to the proceedings of the Confederate States' ships of war "Alabama," her reported tender "Tuscaloosa," and the "Georgia," which have recently arrived at the Cape of Good Hope.

2. On the 28th of July an English schooner arrived in Table Bay, and reported that on the previous day she had been boarded by the Confederate steamer "Alabama," fifteen miles north-west of Green Point. After some inquiries the "Alabama" left her, steering south-east.

3. Upon the receipt of this intelligence I ordered Captain Forsyth, of the "Valorous," to hold himself in readiness to proceed to any of the ports in this Colony where the "Alabama" might anchor, in order to preserve the rules of strict neutrality.

4. By a letter addressed to the Governor of this Colony by Captain Semmes, copy of which was telegraphed to me on the 4th instant, it appears that the "Alabama" had proceeded to Saldanha Bay for a few days, anchoring there on the 29th of July.

5. On the 5th instant I received a private telegram, to the effect that the "Alabama" was off Table Bay, when I directed the "Valorous" immediately to proceed to that anchorage; and shortly afterwards a telegram reached me from the Governor stating "that the 'Alabama' had captured a vessel (American), which was in sight, and steering for Table Bay." The "Valorous" reached that Bay at 10.15 P.M., where the "Alabama" had anchored at 3 o'clock in the afternoon of the same day.

6. Captain Forsyth having informed me that the tender to the "Alabama" had been ordered by Captain Semmes to Simon's Bay for provisions, and having learnt that this vessel had been captured off the coast of Brazil, and not been condemned in any Prize Court, I had doubts as to the legality of considering her in the light of a tender, being under the impression that it was a ruse to disguise the real character of the vessel. I therefore wrote to the Governor to obtain the opinion of the Attorney-General of the Colony upon this subject, which correspondence is inclosed.

7. On the 8th of August the tender "Tuscaloosa," a sailing-barque, arrived in Simon's Bay, and the boarding officer having reported to me that her original cargo of wool was still on board, I felt that there were grounds for doubting her real character, and again called the Governor's attention to this circumstance. My letter and his reply are annexed. And I would here beg to submit to their Lordships' notice that this power of a Captain of a ship of war to constitute every prize he may take a "tender," appears to me to be likely to lead to abuse and evasion of the laws of strict neutrality, by being used as a means for bringing prizes into neutral ports for disposal of their cargoes, and secret arrangements—which arrangements, it must be seen, could afterwards be easily carried out at isolated places.

8. The "Alabama," after laying three days in Table Bay, came to this anchorage to caulk and refit. She arrived here on the 9th, and sailed again on the 15th instant. Captain Semmes was guarded in his conduct, and expressed himself as most anxious not to violate the neutrality of these waters.

9. I should observe that, from the inclosed copy of a letter from Captain Forsyth to the Governor,

it would appear that the vessel "Sea Bride," taken by the "Alabama" off Table Bay, was beyond the jurisdiction of neutral territory.

10. During his passage to this port Captain Semmes chased another American vessel, the "Martha Wentzel," standing in for Table Bay. On my pointing out to him that he had done so in neutral waters, he assured me that it was quite unintentional, and, being at a distance from the land, he did not observe that he had got within three miles of an imaginary line drawn from the Cape of Good Hope to Cape Hanglip, but on discovering it he did not detain the vessel. This explanation I considered sufficient.

11. The tender "Tuscaloosa," having been detained by a strong south-easter, got under weigh for the purpose of going to sea on the 14th instant, but anchored again a little distance from the Roman Rock Light-house in consequence of a thick fog prevailing.

12. The "Alabama" did not take in any coal, either here or at Table Bay, but after being caulked she proceeded to sea on the 15th instant, followed by the "Tuscaloosa." Their destinations are unknown.

13. On the 16th instant the Confederate States' steamer "Georgia," Commander Maury, anchored in this Bay. She requires coal, provisions, and caulking. This vessel did not meet the "Alabama" outside.

14. The "Florida," another Confederate States' steamer, is reported to be off this coast, probably cruising to intercept the homeward-bound American ships from China; indeed, it is with that object these ships are on this part of the Station.

15. I have learnt, since the departure of the "Alabama" and her so-called tender, that overtures were made by some parties in Cape Town to purchase the cargo of wool, but, being unsatisfactory, they were not accepted. It is reported to be Captain Semmes' intention to destroy the "Tuscaloosa" at sea.

16. The "Alabama" is a steamer of about 900 tons, with 8 guns and 150 men. The "Georgia" is an iron steamer of about 700 tons, with 5 guns and 110 men. The "Tuscaloosa" is a sailing-barque of 500 tons, having 2 small guns and 10 men.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 1.

Captain Semmes, C.S.N., to Governor Sir P. Wodehouse.

Sir, *Confederate States' steamer "Alabama," Saldanha Bay, August 1, 1863.*

AN opportunity is offered me by the coasting schooner "Atlas" to communicate with the Cape, of which I promptly avail myself.

I have the honour to inform your Excellency that I arrived in this bay on Wednesday morning last for the purpose of effecting some necessary repairs. As soon as these repairs can be completed I will proceed to sea, and in the meantime your Excellency may rest assured that I will pay the strictest attention to the neutrality of your Government.

I have, &c.
(Signed) R. SEMMES.

Inclosure 3 in No. 1.

Captain Forsyth to Rear-Admiral Sir B. Walker.

Sir, *"Valorous," Table Bay, August 6, 1863.*

I HAVE the honour to report my arrival here at 10.15 p.m. last evening, and found the Confederate steamer "Alabama" had anchored at 3 p.m. previously.

This morning I put myself in communication with the Commander of that vessel, and he informs me he intends leaving this anchorage at daylight to-morrow, or as soon as he has provisioned, and he proceeds to Simon's Bay for repairs; he also informed me he had a tender which he left cruising outside, and had ordered her to Simon's Bay, there to procure provisions.

On my visiting his Excellency the Governor he requested I would remain here a few days provided you had no objection, in case of the arrival of the Confederate vessel "Florida," which is expected.

I have, &c.
(Signed) CHARLES C. FORSYTH.

Inclosure 4 in No. 1.

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

Sir, *"Narcissus," Simon's Bay, August 7, 1863.*

CAPTAIN FORSYTH having informed me that the "Alabama" has a tender outside captured by Captain Semmes on the coast of America, and commissioned by one of the "Alabama's" Lieutenants, and as this vessel has been ordered into Simon's Bay for provisions, may I request your Excellency will be good enough to obtain the opinion of the Law Officers whether this vessel ought still to be looked upon in the light of a prize, she never having been condemned in a Prize Court; the Instructions, copy of which I inclose, strictly forbidding prizes captured by either of the contending parties in North America being admitted into our ports.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 5 in No. 1.

Extract from "Wheaton's Elements of International Law" (Vol. ii, p. 68).

THE title to property lawfully taken in war may, upon general principles, be considered as immediately divested from the original owner and transferred to the captor. This general principle is modified by the positive law of nations, in its application both to personal and real property. As to personal property or moveables, the title is, in general, considered as lost to the former proprietor as soon as the enemy has acquired a firm possession, which, as a general rule, is considered as taking place after the lapse of twenty-four hours. The established usage of maritime nations has excepted from the operation of this rule the case of ships and goods captured at sea, the original title to which is not generally considered as completely divested until carried *infra præsidia*, and regularly condemned in a competent Court of Prize.

Inclosure 6 in No. 1.

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

Sir,

Government House, Cape Town, August 8, 1863.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of yesterday's date, and to inclose the copy of an opinion given by the Acting Attorney-General to the effect that the vessel to which you refer ought to be regarded as a tender and not as a prize.

I shall take care to submit this question to Her Majesty's Government by the next mail, but in the meantime I conclude that your Excellency will be prepared to act on the opinion of the Attorney-General in respect to any vessels which may enter these ports in the character of prizes converted into ships of war by the officers of the navy of the Confederate States.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 7 in No. 1.

Extract from "Wheaton's Elements of International Law."

WHAT constitutes a setting forth as a vessel of war has been determined by the British Courts of Prize, in cases arising under the clause in the Act of Parliament, which may serve for the interpretation of our own law, as the provisions are the same in both. Thus it has been settled that where a ship was originally armed for the Slave Trade, and after capture an additional number of men were put on board, but there was no commission of war and no additional arming, it was not a setting forth as a vessel of war under the Act. But a commission of war is decisive if there be guns on board, and where the vessel after the capture has been fitted out as a privateer, it is conclusive against her, although, when recaptured, she is navigating as a mere merchant-ship; for where the former character of a captured vessel had been obliterated by her conversion into a ship of war, the Legislature meant to look no further, but considered the title of the former owner for ever extinguished. Where it appeared that the vessel had been engaged in a military service of the enemy, under the direction of his Minister of the Marine, it was held as a sufficient proof of a setting forth as a vessel of war; so where the vessel is armed, and is employed in the public military service of the enemy by those who have competent authority so to employ it, although it be not regularly commissioned. But the mere employment in the enemy's military service is not sufficient; but if there be a fair semblance of authority, in the person directing the vessel to be so employed, and nothing upon the face of the proceedings to invalidate it, the Court will presume that he is duly authorized; and the commander of a single ship may be presumed to be vested with this authority as commander of a squadron.

Inclosure 8 in No. 1.

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

Sir,

"Narcissus," Simon's Bay, August 8, 1863.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this day's date, covering the written opinion of the Acting Attorney-General of this Colony as to the legality of the so-called tender to the Confederate States' armed ship "Alabama," and for which I beg to express my thanks.

The vessel in question, now called the "Tuscaloosa," arrived here this evening, and the boarding officer from my flag-ship obtained the following information:—

That she is a barque of 500 tons, with two small rifled 12-pounder guns and ten men, and was captured by the "Alabama" on the 21st June last, off the coast of Brazil: cargo of wool still on board.

The admission of this vessel into port will, I fear, open the door for numbers of vessels captured under similar circumstances being denominated tenders, with a view to avoid the prohibition contained in the Queen's instructions; and I would observe that the vessel "Sea Bride," captured by the "Alabama" off Table Bay a few days since, or all other prizes, might be in like manner styled tenders, making the prohibition entirely null and void.

I apprehend that to bring a captured vessel under the denomination of a vessel of war, she must be fitted for warlike purposes, and not merely have a few men and two small guns put on board her (in fact nothing but a prize crew) in order to disguise her real character as a prize.

Now this vessel has her original cargo of wool still on board, which cannot be required for warlike

purposes, and her armament and the number of her crew are quite insufficient for any services other than those of slight defence.

Viewing all the circumstances of the case, they afford room for the supposition that the vessel is styled a "tender" with the object of avoiding the prohibition against her entrance as a prize into our ports, where, if the captors wished, arrangements could be made for the disposal of her valuable cargo, the transhipment of which, your Excellency will not fail to see, might be readily effected on any part of the coast beyond the limits of this Colony.

My sole object in calling your Excellency's attention to the case is to avoid any breach of strict neutrality.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 9 in No. 1.

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

Sir, *Government House, Cape Town, August 10, 1863.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 8th instant, on which I have consulted the Acting Attorney-General.

The information given respecting the actual condition of the "Tuscaloosa" is somewhat defective, but referring to the extract from Wheaton transmitted in my last letter, the Attorney-General is of opinion that if the vessel received the two guns from the "Alabama" or other Confederate vessel of war, or if the person in command of her has a commission of war, or if she be commanded by an officer of the Confederate navy, in any of these cases there will be a sufficient setting forth as a vessel of war to justify her being held to be a ship of war; if all of these points be decided in the negative, she must be held to be only a prize and ordered to leave forthwith.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 10 in No. 1.

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

Sir, *"Narcissus," Simon's Bay, August 11, 1863.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter dated yesterday respecting the Confederate barque "Tuscaloosa" now in this bay.

As there are two guns on board, and an officer of the "Alabama" in charge of her, the vessel appears to come within the meaning of the cases cited in your above-mentioned communication.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 11 in No. 1.

Captain Forsyth to Governor Sir P. Wodehouse.

Sir, *"Valorous," Table Bay, August 6, 1863.*

IN compliance with the request conveyed to me by your Excellency, I have the honour to report that I have obtained from Captain Semmes a statement of the positions of the Confederate States' steamer "Alabama" and the American barque "Sea Bride" when the latter was captured yesterday afternoon.

Captain Semmes asserts that, at the time of his capturing the "Sea Bride," Green Point Light-house bore, from the "Alabama," south-east about 6 or 6½ miles.

This statement is borne out by the evidence of Captain Wilson, Port Captain of Table Bay, who has assured me that at the time of the "Sea Bride" being captured he was off Green Point in the port boat, and that only the top of the "Alabama's" hull was visible.

I am of opinion that, if Captain Wilson could only see that portion of the hull of the "Alabama," she must have been about the distance from the shore which is stated by Captain Semmes, and I have therefore come to the conclusion that the "Sea Bride" was beyond the limits assigned when she was captured by the "Alabama."

I have, &c.
(Signed) CHARLES C. FORSYTH.

No. 2.

Sir F. Rogers to Mr. Hammond.—(Received September 30.)

Sir, *Downing Street, September 29, 1863.*

I AM directed by the Duke of Newcastle to transmit to you, for the consideration of Earl Russell, the inclosed copy of a despatch from the Governor of the Cape of Good Hope, reporting the arrival at the Cape of the Confederate steamer "Alabama," and requesting instructions on many questions that have arisen from the state of affairs consequent on the presence of this vessel in the Colony.

I am, &c.
(Signed) F. ROGERS

Inclosure 1 in No. 2.

Governor Sir P. E. Wodehouse to the Duke of Newcastle.

(Extract.)

Government House, Cape Town, August 19, 1863.

I BEG to take this opportunity of making your Grace acquainted with what has occurred here in connection with the visit of the Confederate States' steamer "Alabama."

On Tuesday the 4th instant I received a letter from the Commander of that vessel, dated the 1st August at Saldanha Bay, announcing his having entered that bay with a view to effecting certain repairs, and stating that he would put to sea as soon as they were completed, and would strictly respect our neutrality.

When this intelligence was received, the United States' Consul called on me to seize her, or at any rate to send her away instantly; but as the vessel which brought the news reported that the "Alabama" was coming immediately to Table Bay, I replied that I could not seize her, but would take care to enforce the observance of the neutral regulations.

On the next day, about noon, it was reported from the signal station that the "Alabama" was steering for Table Bay from the north, and that a Federal barque was coming in from the westward; and soon after, that the latter had been captured and put about. A little after 2 P.M. the United States' Consul called to state that he had seen the capture effected within British waters; when I told him he must make his statement in writing, and an investigation should be made. I also, by telegram, immediately requested the Naval Commander-in-chief to send a ship of war from Simon's Bay. The "Alabama," leaving her prize outside, anchored in the bay at 3.30 P.M., when Captain Semmes wrote to me that he wanted supplies and repairs, as well as permission to land thirty-three prisoners. After communicating with the United States' Consul, I authorized the latter, and called upon him to state the nature and extent of his wants, that I might be enabled to judge of the time he ought to remain in the port. The same afternoon he promised to send the next morning a list of the stores needed, and announced his intention of proceeding with all dispatch to Simon's Bay to effect his repairs there. The next morning (August 6th) the Paymaster called on me with the merchant who was to furnish the supplies, and I granted him leave to stay till noon of the 7th.

On the night of the 5th Her Majesty's ship "Valorous" had come round from Simon's Bay. During the night of the 6th the weather became unfavourable; a vessel was wrecked in the bay, and a heavy sea prevented the "Alabama" from receiving her supplies by the time arranged. On the morning of the 8th, Captain Forsyth, of the "Valorous," and the Port Captain, by my desire, pressed on Captain Semmes the necessity for his leaving the port without any unnecessary delay; when he pleaded the continued heavy sea and the absence of his cooking apparatus, which had been sent on shore for repairs, and had not been returned by the tradesman at the time appointed, and intimated his own anxiety to get away. Between 6 and 7 A.M. on Sunday the 9th he sailed, and on his way round to Simon's Bay captured another vessel, but on finding that she was in neutral waters, immediately released her.

In the meantime, the United States' Consul had, on the 5th August, addressed to me a written statement that the Federal barque "Sea Bride" had been taken "about four miles from the nearest land," and "already in British waters;" on which I promised immediate inquiry. The next day the Consul repeated his protest, supporting it by an affidavit of the master of the prize, which he held to show that she had been taken about two miles and a-half from the land; and the agent for the United States' underwriters, on the same day, made a similar protest. On the 7th, the Consul represented that the prize had, on the previous day, been brought within one mile and a-half of the light-house, which he considered as much a violation of the neutrality as if she had been there captured, and asked me to have the prize crew taken out and replaced by one from the "Valorous," which I declined.

I had, during this period, been seeking for authentic information as to the real circumstances of the capture, more particularly with reference to the actual distance from the shore, and obtained through the Acting Attorney-General statements from the keeper of the Green Point Lighthouse (this was supported by the Collector of Customs), from the signalman at the station on the Lion's Rump, and from an experienced boatman who was passing between the shore and the vessels at the time. Captain Forsyth, of the "Valorous," also made inquiries of the captain of the "Alabama" and of the Port Captain, and made known the result to me. And upon all these statements I came to the conclusion that the vessels were not less than four miles distant from land; and on the 8th I communicated to the United States' Consul that the capture could not, in my opinion, be held to be illegal by reason of the place at which it was effected.

In his reply of the 10th, the Consul endeavoured to show how indefensible my decision must be, if, in these days of improved artillery, I rested it on the fact of the vessels having been only three miles from land. This passage is, I think, of considerable importance, as involving an indirect admission that they were not within three miles at the time of capture. And I hope your Grace will concur in my view that it was not my duty to go beyond what I found to be the distance clearly established by past decisions under international law.

An important question has arisen in connection with the "Alabama," on which it is very desirable that I should, as soon as practicable, be made acquainted with the views of Her Majesty's Government. Captain Semmes had mentioned after his arrival in port, that he had left outside one of his prizes previously taken, the "Tuscaloosa," which he had equipped and fitted as a tender, and had ordered to meet him in Simon's Bay, as she also stood in need of supplies. When this became known to the Naval Commander-in-chief, he requested me to furnish him with a legal opinion; and whether this vessel could be held to be a ship of war before she had been formally condemned in a Prize Court; or whether she must not be held to be still a prize, and as such prohibited from entering our ports. The Acting Attorney-General, founding his opinion on Earl Russell's despatch to

your Grace of the 31st January, 1862, and on Wheaton's "International Law," stated in substance that it was open to Captain Semmes to convert this vessel into a ship of war, and that she ought to be admitted into our ports on that footing.

On the 8th August the vessel entered Simon's Bay, and the Admiral wrote that she had two small rifled guns with a crew of ten men, and that her cargo of wool was still on board. He was still doubtful of the propriety of admitting her.

On the 10th August, after further consultation with the Acting Attorney-General, I informed Sir Baldwin Walker that, if the guns had been put on board by the "Alabama," or if she had a commission of war, or if she were commanded by an officer of the Confederate Navy, there must be held to be a sufficient setting forth as a vessel of war to justify her admission into port in that character.

The Admiral replied in the affirmative on the first and last points, and she was admitted.

The "Tuscaloosa" sailed from Simon's Bay on the morning of the 14th instant, but was becalmed in the vicinity until the following day, when she sailed about noon. The "Alabama" left before noon on the 15th instant. Neither of these vessels was allowed to remain in port longer than was really necessary for the completion of their repairs.

On the 16th, at noon, the "Georgia," another Confederate war-steamer, arrived at Simon's Bay in need of repairs, and is still there.

Before closing this despatch I wish particularly to request instructions on a point touched on in the letter from the United States' Consul of the 17th instant, viz., the steps which should be taken here in the event of the cargo of any vessel captured by one of the belligerents being taken out of the prize at sea, and brought into one of our ports in a British or other neutral vessel.

Both belligerents are strictly interdicted from bringing their prizes into British ports by Earl Russell's letter to the Lords of the Admiralty of the 1st June, 1861, and I conceive that a Colonial Government would be justified in enforcing compliance with that order by any means at its command, and by the exercise of force if it should be required.

But that letter refers only to "prizes," that is, I conceive, to the ships themselves, and makes no mention of the cargoes they may contain. Practically the prohibition has been taken to extend to the cargoes; and I gathered, from a conversation with Captain Semmes on the subject of our neutrality regulations, that he considered himself debarred from disposing of them, and was thus driven to the destruction of all that he took. But I confess that I am unable to discover by what legal means I could prevent the introduction into our ports of captured property purchased at sea, and tendered for entry at the Custom-house in the usual form from a neutral ship. I have consulted the Acting Attorney-General on the subject, and he is not prepared to state that the Customs authorities would be justified in making a seizure under such circumstances; and therefore, as there is great probability of clandestine attempts being made to introduce cargoes of this description, I shall be glad to be favoured with the earliest practicable intimation of the views of Her Majesty's Government on the subject.

Inclosure 2 in No. 2.

Captain Semmes, C.S.N., to Sir P. Wodehouse, August 1, 1863.

[See Inclosure 2 in No. 1.]

Inclosure 3 in No. 2.

Captain Semmes, C.S.N., to Sir P. Wodehouse.

Sir,

"Alabama," Table Bay, August 5, 1863.

I HAVE the honour to inform your Excellency of my arrival in this Bay in the Confederate States' steamer "Alabama," under my command. I have come in for supplies and repairs, and in the meantime I respectfully ask leave to land in Cape Town thirty-three prisoners, lately captured by me on board two of the enemy's ships destroyed at sea. The United States' Consul will doubtless be glad to extend such hospitality and assistance to his distressed countrymen as is required of him by law.

I have, &c.

(Signed) R. SEMMES.

Inclosure 4 in No. 2.

Sir P. Wodehouse to Captain Semmes, C.S.N.

Sir,

Government House, Cape Town, August 5, 1863.

I HAVE the honour to acknowledge the receipt of your letter announcing your arrival in this port, and to state that I have no objection to offer to your landing the prisoners now detained in your ship.

I have further to beg that you will be good enough to state the nature and extent of the supplies and repairs you require, that I may be enabled to form some estimate of the time for which it will be necessary for you to remain this port.

I have, &c.

(Signed) P. E. WODEHOUSE.

Inclosure 5 in No. 2.

Captain Semmes, C.S.N., to Sir P. Wodehouse.

Sir,

"Alabama," Table Bay, August 5, 1863.

I HAVE had the honour to receive your letter of this day's date, giving me permission to land my prisoners, and requesting me to state the nature of the supplies and repairs which I may require. In the way of supplies I shall need some provisions for my crew, a list of which will be handed you to-morrow by the Paymaster, and as for repairs my boilers need some iron-work to be done, and my bends require caulking, being quite open. I propose to take on board the necessary materials here, and to proceed with all despatch to Simon's Bay for the purpose of making these repairs.

I have, &c.

(Signed) R. SEMMES.

Inclosure 6 in No. 2.

Mr. Adamson to Captain Semmes, C.S.N.

Sir,

Colonial Office, Cape Town, August 6, 1863.

I AM directed by the Governor of this Colony to acquaint you that he has received from the Consul for the United States at this port a representation, in which he sets forth that an American barque was yesterday captured, by the ship which you command, in British waters, in violation of the neutrality of the British Government, and claims from him redress for the alleged outrage.

His Excellency will be glad, therefore, to receive from you any explanation you may wish to give as to the circumstances in which the capture was effected.

I have, &c.

(Signed) L. ADAMSON,
For Colonial Secretary.

Inclosure 7 in No. 2.

Captain Semmes, C.S.N., to Mr. Adamson.

Sir,

Confederate States' steamer "Alabama," Cape Town, August 6, 1863.

I HAVE had the honour to receive your communication of this day's date, informing me that the United States' Consul at this port had presented to his Excellency the Governor a representation in which he sets forth that an American barque was yesterday captured by this ship under my command in British waters, in violation of the neutrality of the British Government, and requesting me to make to his Excellency such representation as I may have to offer on this subject.

In reply I have the honour to state that it is not true that the barque referred to was captured in British waters, and in violation of British neutrality; she having been captured outside all headlands, and a distance from the nearest land of between five and six miles. As I approached this vessel I called the particular attention of my officers to the question of distance, and they all agree that the capture was made from two to three miles outside of the marine league.

I have, &c.

(Signed) R. SEMMES.

Inclosure 8 in No. 2.

Mr. Graham to Sir P. Wodehouse.

Sir,

United States' Consulate, Cape Town, August 4, 1863.

FROM reliable information received by me, and which you are also doubtless in possession of, a war-steamer called the "Alabama" is now in Saldanha Bay being painted, discharging prisoners of war, &c.

The vessel in question was built, in England, to prey upon the commerce of the United States of America, and escaped therefrom while on her trial-trip, forfeiting bonds of 20,000*l.*, which the British Government exacted under the Foreign Enlistment Act.

Now, as your Government has a Treaty of Amity and Commerce with the United States, and has not recognized the persons in revolt against the United States as a Government at all, the vessel alluded to should be at once seized and sent to England, from whence she clandestinely escaped. Assuming that the British Government was sincere in exacting the bonds, you have doubtless been instructed to send her home to England, where she belongs. But if, from some oversight, you have not received such instructions, and you decline the responsibility of making the seizure, I would most respectfully protest against the vessel remaining in any port of the Colony another day. She has been at Saldanha Bay four [six] days already, and a week previously on the coast, and has forfeited all right to remain an hour longer by this breach of neutrality. Painting a ship does not come under the head of 'necessary repairs,' and is no proof that she is unseaworthy; and to allow her to visit other ports after she has set the Queen's proclamation of neutrality at defiance would not be regarded as in accordance with the spirit and purpose of that document.

Yours, &c.

(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 9 in No. 2.

Mr. Adamson to Mr. Graham.

Sir,

Colonial Office, August 5, 1863.

I AM directed by the Governor to acknowledge the receipt of your letter of yesterday's date relative to the "Alabama."

His Excellency has no instructions, neither has he any authority, to seize or detain that vessel: and he desires me to acquaint you that he has received a letter from the Commander, dated the 1st instant, stating that repairs were in progress, and as soon as they were completed he intended to go to sea. He further announces his intention of respecting strictly the neutrality of the British Government.

The course which Captain Semmes here proposes to take is, in the Governor's opinion, in conformity with the instructions he has himself received relative to ships of war and privateers belonging to the United States and the States calling themselves the Confederate States of America visiting British ports.

The reports received from Saldanha Bay induce the Governor to believe that the vessel will leave that harbour as soon as her repairs are completed; but he will immediately, on receiving intelligence to the contrary, take the necessary steps for enforcing the observance of the rules laid down by Her Majesty's Government.

I have, &c.

(Signed) L. ADAMSON,
For the Colonial Secretary.

Inclosure 10 in No. 2.

Mr. Graham to Sir P. Wodehouse.

Sir,

United States' Consulate, Cape Town, August 5, 1863.

THE Confederate steamer "Alabama" has just captured an American barque off Green Point, or about four miles from the nearest land (Robben Island). I witnessed the capture with my own eyes, as did hundreds of others at the same time. This occurrence at the entrance of Table Bay, and clearly in British waters, is an insult to England and a grievous injury to a friendly Power, the United States.

Towards the Government of my country and her domestic enemies the Government of England assumes a position of neutrality, and if the neutrality can be infringed with impunity, in this bold and daring manner, the Government of the United States will no doubt consider the matter as one requiring immediate explanation.

Believing that the occurrence was without your knowledge or expectation, and hoping you will take such steps to redress the outrage as the exigency requires, I am, &c.

(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 11 in No. 2.

Mr. Rawson to Mr. Graham.

Sir,

Colonial Office, August 6, 1863.

I AM directed by the Governor to acknowledge the receipt of your letter of yesterday's date respecting the capture of the "Sea Bride" by the "Alabama," and to acquaint you that he will lose no time in obtaining accurate information as to the circumstances of the capture.

I have, &c.

(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

Inclosure 12 in No. 2.

Mr. Graham to Sir P. Wodehouse.

Sir,

United States' Consulate, Cape Town, August 6, 1863.

I HAVE the honour to acknowledge the receipt of your despatch of this date.

I beg now to inclose, for your Excellency's perusal, the affidavit of Captain Charles F. White, of the "Sea Bride," protesting against the capture of the said barque in British waters. The bearings taken by him at the time of capture conclusively show that she was in neutral waters, being about two and a-half miles from Robben Island. This statement is doubtless more satisfactory than the testimony of persons who measured the distance by the eye.

I believe that there is no law defining the word "coast" other than international law. That law has always limited neutral waters to the fighting distance from land, which, upon the invention of gunpowder, was extended to a distance of three nautical miles from land on a straight coast, and by the same rule, since the invention of Armstrong rifled cannon, to at least six miles.

But all waters inclosed by a line drawn between two promontories or headlands are recognized

by all nations as neutral, and England was the first that adopted the rule, calling such waters the "King's chambers." By referring to "Wheaton's Digest," page 234, or any other good work on international law, you will find the above rules laid down and elucidated.

The fact that the prize has not already been burned, and that her fate is still in suspense, is clear proof that Captain Semmes had misgivings as to the legality of the capture, and awaits your Excellency's assent. If you decide that the prize was legally taken, you will assume a responsibility which Captain Semmes himself declined to take.

I have, &c.
(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 13 in No. 2.

Affidavit of C. F. White.

United States' Consulate, Cape Town, August 6, 1863.

ON this 6th day of August, A.D. 1863, personally appeared before me, Walter Graham, Consul of the United States at Cape Town, Charles F. White, Master of the barque "Sea Bride," of Boston, from New York, and declared on affidavit that, on the 3rd day of August instant, he sighted Table Mountain and made for Table Bay, but that on the 4th instant, night coming on, he was compelled to stand out. On the 5th instant he again made for the anchorage, and about 2 P.M. saw a steamer standing towards the barque, which he supposed was the English mail-steamer, but on nearing her he found her to be the Confederate steamer "Alabama." He, Captain White, was peremptorily ordered to heave his vessel to as a prize to the "Alabama." One gun was first fired, and immediately after the demand was made another gun was fired. Two boats were lowered from the "Alabama" and sent on board the barque. The officer in charge of these boats demanded the ship's papers, which the said Master was compelled to take on board the said steamer. This happened about a quarter before 3 o'clock. He and his crew were immediately taken from his vessel and placed as prisoners on board the "Alabama," the officers and crew being put in irons. The position of the barque at the time of capture was as follows: Green Point Light-house bearing south by east; Robben Island Light-house, north-east.

The said appearer did further protest against the illegal capture of said vessel, as she was in British waters at the time of capture, according to bearings.

Thus done and protested before me, the said Consul, the day, month, and year above written.

(Signed) WALTER GRAHAM, *United States' Consul.*
CHARLES F. WHITE, *Master "Sea Bride."*

Inclosure 14 in No. 2.

Mr. Rawson to Mr. Graham.

Sir,

Colonial Office, August 7, 1863.

I AM directed by the Governor to acknowledge the receipt of your letter of yesterday's date, inclosing an affidavit made by the Master of the "Sea Bride," and to acquaint you that an inquiry into them is now in progress.

I have, &c.
(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

Inclosure 15 in No. 2.

Mr. Graham to Sir P. Wodehouse.

Sir,

United States' Consulate, Cape Town, August 7, 1863.

UNDERSTANDING from your letter of this date, received this morning, that the case of the "Sea Bride" is still pending, I inclose the affidavits of the first officer of that vessel and the cook and steward, which I hope will throw additional light on the subject.

From the affidavit of the first officer it appears that the alleged prize was brought within one and a-half miles of Green Point Light-house yesterday, at 1 o'clock P.M. Now, as the vessel was at that time in charge of a prize crew, it was a violation of neutrality as much as if the capture had been made at the same distance from land.

Pending your decision of the case I would most respectfully suggest that the prize-crew on board the "Sea Bride" be removed, and that the vessel be put in charge of a crew from Her Majesty's ship "Valorous."

I have, &c.
(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 16 in No. 2.

Affidavit of James Robertson.

*United States' Consulate, Cape Town, Cape of Good Hope,
August 7, 1863.*

ON the day and date hereof before me, Walter Graham, Consul for the United States of America at Cape Town, personally came and appeared James Robertson, cook and steward of the bark "Sea Bride," an American vessel, and made affidavit that he was on board said barque on the night of the 5th day of August instant, after the said barque had been captured as a prize by the Confederate steamer "Alabama," and a prize crew put on board. That at about five minutes before 2 o'clock A.M. of the 6th instant, the prize crew on board the said barque received a signal from the "Alabama" aforesaid to burn the said barque, and immediately all hands were called to execute that order. That the sails were clewed, a tar barrel taken from underneath the top gallant forecastle and placed in the forecastle, and a bucket full of tar with other combustibles and ammunition ordered on the cabin table, but that when these arrangements were completed another signal was received from the said "Alabama," countermanding the order to burn the said prize and to stand off and on the land until daylight, which orders were obeyed.

(Signed) JAMES ROBERTSON, *Steward, barque "Sea Bride."*

Witness my hand and official seal, this 7th day of August, 1863.

(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 17 in No. 2.

Affidavit of John Schofield.

*United States' Consulate, Cape Town, Cape of Good Hope,
August 7, 1863.*

ON the day and date hereof before me, Walter Graham, Consul for the United States of America at Cape Town, personally came and appeared John Schofield, first officer of the barque "Sea Bride," of Boston, who made affidavit that he was on board of said vessel at 1 o'clock P.M. yesterday, the 6th day of August instant, while she was in possession of a prize crew of the steamer "Alabama;" that he took the bearings of said bark at that time, which were as follows: Robben Island Lighthouse bore north-east by north one-half north, Green Point Lighthouse bore south-west one-half west.

He also deposed that the officer in command of the barque came on deck about that time, and stamping his foot as if chagrined to find her so near the land, ordered her further off, which was done immediately.

(Signed) JOHN SCHOFIELD, *Late 1st Officer of barque "Sea Bride."*

Witness my hand and official seal, this 7th day of August, 1863.

(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 18 in No. 2.

Mr. Adamson to Mr. Graham.

Sir,

Colonial Office, August 7, 1863.

I AM directed by the Governor to acknowledge the receipt of your letter of this date, inclosing two affidavits relative to the "Sea Bride," and to state that his Excellency is not prepared to admit that the fact of that vessel having been brought by the prize crew within one-and-a-half miles of the Green Point Lighthouse "was a violation of the neutrality as much as if the capture had taken place at the same distance from land," although both the belligerents are prohibited from bringing their prizes into British ports.

The Governor does not feel warranted in taking steps for the removal of the prize crew from the "Sea Bride."

I have, &c.

(Signed) L. ADAMSON,
For the Colonial Secretary.

Inclosure 19 in No. 2.

Mr. Rawson to Mr. Graham.

Sir,

Colonial Office, August 8, 1863.

WITH reference to the correspondence that has passed relative to the capture by the Confederate States' steamer "Alabama" of the barque "Sea Bride," I am directed by the Governor to acquaint you that, on the best information he has been enabled to procure, he has come to the conclusion that the capture cannot be held to be illegal, or in violation of the neutrality of the British Government, by reason of the distance from land at which it took place.

His Excellency will, by next mail, make a full report of the case to Her Majesty's Government.

I have, &c.

(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

Inclosure 20 in No. 2.

Mr. Graham to Sir P. Wodehouse.

Sir,

United States' Consulate, Cape Town, August 10, 1863.

YOUR decision in the case of the "Sea Bride" was duly received at 4 o'clock P.M. on Saturday. In communicating that decision you simply announce that the vessel was, in your opinion, and according to evidence before you, a legal prize to the "Alabama;" but you omit to state the principle of international law that governed your decision, and neglect to furnish me with the evidence relied upon by you.

Under these circumstances I can neither have the evidence verified or rebutted here, nor am I enabled to transmit it as it stands to the American Minister at London, nor to the United States' Government at Washington. An invitation to be present when the *ex parte* testimony was taken was not extended to me, and I am therefore ignorant of the tenor of it, and cannot distinguish the portion thrown out from that which was accepted. If your decision is that the neutral waters of this Colony only extend a distance of three miles from land, the character of that decision would have been aptly illustrated to the people of Cape Town had an American war-vessel appeared on the scene, and engaged the "Alabama" in battle. In such a contest with cannon carrying a distance of six miles (three over land), the crashing buildings in Cape Town would have been an excellent commentary on your decision.

But the decision has been made and cannot be revoked here, so that further comment at present is, therefore, unnecessary. It can only be reversed by the Government you represent, which it probably will be when the United States' Government shall claim indemnity for the owners of the "Sea Bride."

An armed vessel named the "Tuscaloosa," claiming to act under the authority of the so-called Confederate States, entered Simon's Bay on Saturday the 8th instant. That vessel was formerly owned by citizens of the United States, and while engaged in lawful commerce was captured as a prize by the "Alabama." She was subsequently fitted out with arms by the "Alabama" to prey upon the commerce of the United States, and now, without having been condemned as a prize by any Admiralty Court of any recognized Government, she is permitted to enter a neutral port in violation of the Queen's Proclamation, with her original cargo on board. Against this proceeding I hereby most emphatically protest, and I claim that the vessel ought to be given up to her lawful owners. The capture of the "Sea Bride" in neutral waters, together with the case of the "Tuscaloosa," also a prize, constitute the latest and best illustration of British neutrality that has yet been given.

I have, &c.

(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 21 in No. 2.

Mr. Rawson to Mr. Graham.

Sir,

Colonial Office, August 10, 1863.

I AM directed by the Governor to acknowledge the receipt of your letter of this date, and to state with reference to that part of it which relates to the "Tuscaloosa," that his Excellency is still in correspondence with the Commander-in-chief respecting the character of that vessel, and the privileges to which she is entitled.

I have, &c.

(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

Inclosure 22 in No. 2.

Mr. Graham to Sir P. Wodehouse.

Sir,

United States' Consulate, Cape Town, August 12, 1863.

UPON receiving your last communication to me dated the 10th instant, I deemed it simply a report of progress on one subject treated of in my last letter to your Excellency, and I have therefore waited anxiously for the receipt of another letter from the Colonial Secretary communicating the final result in that case. Failing to receive it, and hearing yesterday P.M. that the "Tuscaloosa" would proceed to sea from Simon's Bay to-day, I applied for an injunction from the Supreme Court to prevent the vessel sailing before I had an opportunity of showing by witnesses that she is owned in Philadelphia in the United States; that her true name is "Conrad;" that she has never been condemned as a prize by any legally constituted Admiralty Court; and that I am *ex officio* the legal agent of the owners, underwriters, and all others concerned. I have not yet learned the result of that application, and fearing that delay may allow her to escape, I would respectfully urge you to detain her in port until the proper legal steps can be taken.

I am well aware that your Government has conceded to the so-called Confederate States the rights of belligerents, and is thereby bound to respect Captain Semmes' commission; but having refused to recognize the "Confederacy" as a nation, and having excluded his captures from all the ports of the British Empire, the captures necessarily revert to their real owners, and are forfeited by Captain Semmes as soon as they enter a British port.

Hoping to receive an answer to this and the preceding letter as early as possible, and that you will not construe my persistent course throughout this correspondence on neutral rights as importunate, or my remarks as inopportune, I have, &c.

(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 23 in No. 2.

Mr. Rawson to Mr. Graham.

Sir,

Colonial Office, August 12, 1863.

I AM directed by the Governor to acknowledge the receipt of your letter of this date, and to acquaint you that it was not until late last evening that his Excellency received from the Naval Commander-in-chief information that the condition of the "Tuscaloosa" was such as, as his Excellency is advised, to entitle her to be regarded as a vessel of war.

The Governor is not aware, nor do you refer him to the provisions of international law by which captured vessels, as soon as they enter our neutral ports, revert to their real owners, and are forfeited by their captors. But his Excellency believes that the claims of contending parties to vessels captured can only be determined in the first instance by the Courts of the captor's country.

The Governor desires me to add that he cannot offer any objection to the tenor of the correspondence which you have addressed to him on this subject, and that he is very sensible of the courtesy you have exhibited under such very peculiar circumstances. He gives you credit for acting on a strict sense of duty to your country.

I have, &c.

(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

Inclosure 24 in No. 2.

Mr. Graham to Sir P. Wodehouse.

Sir,

United States' Consulate, Cape Town, August 17, 1863.

I HAVE delayed acknowledging the receipt of your last letter dated the 12th August on account of events transpiring, but which have not yet culminated so as to form the subject of correspondence.

Your decision that the "Tuscaloosa" is "a vessel of war," and by inference a prize, astonishes me, because I do not see the necessary incompatibility. Four guns were taken from on board the "Talisman" (also a prize) and put on board the "Conrad" ("Tuscaloosa"), but that transfer did not change the character of either vessel as a prize, for neither of them could cease to be a prize till it had been condemned in an Admiralty Court of the "captor's country," which it is not pretended has been done. The "Tuscaloosa," therefore, being a prize, was forbidden to enter Simon's Bay by the Queen's Proclamation, and should have been ordered off at once, but she was not so ordered. Granting that Her Majesty's Proclamation affirmed the right of Captain Semmes as a "belligerent" to take and to hold prizes on the high seas, it just as emphatically denied his right to hold them in British ports. Now, if he could not hold them in Simon's Bay, who else could hold them except those whose right to hold them was antecedent to his—that is, the owners?

The "Tuscaloosa" remained in Simon's Bay seven days with her original cargo of skins and wool on board. This cargo, I am informed by those who claim to know, has been purchased by merchants in Cape Town; and if it should be landed here directly from the prize, or be transferred to other vessels at some secluded harbour on the coast beyond this Colony, and brought from thence, here, the infringement of neutrality will be so palpable and flagrant that Her Majesty's Government will probably satisfy the claims of the owners gracefully and at once, and thus remove all cause of complaint. In so doing it will have to disavow and repudiate the acts of its Executive Agents here—a result I have done all in my power to prevent.

Greater cause of complaint will exist if the cargo of the "Sea Bride" is disposed of in the same manner, as I have reason to apprehend it will be when negotiations are concluded; for being originally captured in neutral waters, the thin guise of neutrality would be utterly torn into shreds by the sale of her cargo here.

The "Georgia," a Confederate war-steamer, arrived at Simon's Bay yesterday, and the "Florida," another vessel of the same class, has arrived or is expected hourly at Saldanha Bay, where she may remain a week without your knowledge, as the place is very secluded. The "Alabama" remained here in Table Bay nearly four days and at Simon's Bay six days; and as the "Tuscaloosa" was allowed to remain at Simon's Bay seven days, I apprehend that the "Georgia" and "Florida" will meet with the same or even greater favours. Under such circumstances further protests from me would seem to be unavailing, and I only put the facts upon record for the benefit of my Government and officials possessed of diplomatic functions.

I have, &c.

(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 25 in No. 2.

Mr. Rawson to Mr. Graham.

Sir,

Colonial Office, August 19, 1863.

I AM directed by the Governor to acknowledge the receipt of your letter of the 17th instant, and to state that he has during the recent transactions endeavoured to act in strict conformity with the wishes of Her Majesty's Government; he will in like manner pursue the same course in any future cases which may arise.

I am to add that his Excellency has no reason to believe that either the "Alabama" or the "Tuscaloosa" have been allowed to remain in the ports of the Colony for a greater length of time than the state of the weather and the execution of the repairs of which they actually stood in need rendered indispensable.

I have, &c.

(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

Inclosure 26 in No. 2.

Statement of Joseph Hopson.

JOSEPH HOPSON, keeper of the Green Point Lighthouse, states :—

I was on the look-out on Wednesday afternoon when the "Alabama" and "Sea Bride" were coming in. When I first saw them the steamer was coming round the north-west of Robben Island, and the barque bore from or about five miles west-north-west. The barque was coming in under all sail with a good breeze, and she took nothing in when the gun was fired. I believe two guns were fired, but the gun I mean was the last, and the steamer then crossed the stern side of the barque, and hauled up to her on the starboard side. He steamed ahead gently, and shortly afterwards I saw the barque put round with her head to the westward, and a boat put off from the steamer and boarded her. Both vessels were then good five miles off the mainland, and quite five if not six from the north-west point of Robben Island.

(Signed) J. HOPSON.

Taken before me at Green Point, this 7th day of August, 1863.

(Signed) R. JOHNSON DUTTON, *Acting Clerk of the Peace.*

Witnesses :

(Signed) J. SCHONEGEVEL.

JESSE HOPSON.

Inclosure 27 in No. 2.

Statement of W. S. Field.

I WAS present at the old Lighthouse, Green Point, on last Wednesday afternoon, at 2 P.M., and saw the "Alabama" capture the American barque "Sea Bride," and I agree with the above statement as far as the position of the vessels and their distance from shore.

(Signed) W. S. FIELD, *Collector of Customs.*

Cape Town, August 8, 1863.

I may also remark that I called the attention of Colonel Bisset and the lighthouse keeper Hopson to the distance of the vessels at the time of the capture, as it was probable we should be called upon to give our evidence respecting the affair, and we took a note of the time it occurred.

(Signed) W. S. FIELD, *Collector of Customs.*

Cape Town, August 8, 1863.

Inclosure 28 in No. 2.

Statement of John Roe.

I, JOHN ROE, boatman of Cape Town, make the following statement :—

I was yesterday, the 5th day of August, 1863, returning from a whale chase in Hunt's Bay, when I first saw the barque "Sea Bride" standing from the westward on to the land. I came on to Table Bay, and when off Camp's Bay I saw the smoke of the "Alabama" some distance from the westward of Robben Island. When I reached the Green Point Lighthouse the steamer was standing up towards the barque, which was about five miles and a half to the westward of Green Point, and about four and a half from the western point of Robben Island. This was their position (being near each other at the time) when the gun was fired.

Dated at Cape Town, this 6th day of August, 1863.

(Signed) JOHN ROE.

This statement made before me,

(Signed) R. JOHNSON DUTTON, *Acting Clerk of the Peace.*

Cape Town, August 6, 1863.

Witnesses :

(Signed) J. W. A. RUSSOND.

J. A. B. FLECK.

Inclosure 29 in No. 2.

Statement of Frederick Carter.

FREDERICK CARTER, signalman at the Lion's Rump Telegraph Station, states :—

On Wednesday last, the 5th day of August, 1863, I sighted the barque "Sea Bride" about seven o'clock in the morning, about fifteen or twenty miles off the land, standing into Table Bay from the south-west. There was a light breeze blowing from the north-west, which continued until after midday. About midday I sighted the "Alabama" screw steamer standing from due north towards Table Bay, intending, as it appeared to me, to take the passage between Robben Island and the Blueberg Beach. She was then between fifteen and eighteen miles off the land.

After sighting the steamer I hoisted the demand for the barque, when she hoisted the American flag, which I reported to the Port office, the barque then being about eight miles off the land from Irville Point. No sooner had the barque hoisted the American flag than the steamer turned sharp round in the direction of and towards the barque. The steamer appeared at that time to have been about twelve miles off the land from Irville Point, and about four or five miles outside of Robben Island, and about seven miles from the barque.

The steamer then came up to and alongside of the barque, when the latter was good four miles off the land at or near the old Lighthouse, and five miles off the Island. The steamer, after firing a gun, stopped the further progress of the barque, several boats were sent to her, and after that the barque stood out to sea again, and the "Alabama" steamed into Table Bay.

(Signed) F. CARTER, *Chief Signalman, Lion's Rump.*

Taken before me, at Cape Town, this 7th day of August, 1863.

(Signed) R. JOHNSON DUTTON, *Acting Clerk of the Peace.*

Witnesses:

(Signed) J. W. A. RUSSOND.

J. A. B. FLECK.

Inclosure 30 in No. 2.

Captain Forsyth to Sir P. Wodehouse.

Sir, "Valorous," Table Bay, August 6, 1863.

IN compliance with the request conveyed to me by your Excellency, I have the honour to report that I have obtained from Captain Semmes a statement of the positions of the Confederate States' steamer "Alabama" and the American barque "Sea Bride," when the latter was captured yesterday afternoon.

Captain Semmes asserts that at the time of his capturing the "Sea Bride," Green Point Lighthouse bore from the "Alabama" south-east about six or six and a half miles.

This statement is borne out by the evidence of Captain Wilson, Port Captain of Table Bay, who has assured me that at the time of the "Sea Bride" being captured he was off Green Point in the port boat, and that only the top of the "Alabama's" hull was visible.

I am of opinion, if Captain Wilson could only see that portion of the hull of the "Alabama," she must have been about the distance from the shore which is stated by Captain Semmes, and I have therefore come to the conclusion that the barque "Sea Bride" was beyond the limits assigned when she was captured by the "Alabama."

I have, &c.

(Signed) CHARLES C. FORSYTH.

Inclosure 31 in No. 2.

Rear Admiral Sir B. Walker to Sir P. Wodehouse, August 7, 1863.

[See Inclosure 4 in No. 1.]

Inclosure 32 in No. 2.

The Secretary to the Admiralty to Rear-Admiral Sir B. Walker

Sir,

Admiralty, June 1, 1861.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for your information and guidance, a copy of a letter from Her Majesty's Principal Secretary of State for Foreign Affairs dated this day, informing my Lords that, with a view more effectually to carry out the principle of neutrality, Her Majesty's Government propose to interdict the armed ships of both contending parties in North America from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, or of any other of Her Majesty's colonies or possessions abroad.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure 33 in No. 2.

Lord J. Russell to the Lords Commissioners of the Admiralty.

Sir,

Foreign Office, June 1, 1861.

HER Majesty's Government are, as your Lordships are aware, desirous of observing the strictest neutrality in the contest which appears to be imminent between the United States and the so-called

Confederate States of North America; and with a view more effectually to carry out this principle, they propose to interdict the armed ships, and also the privateers, of both parties from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, or of any of Her Majesty's colonies or possessions abroad.

I have accordingly to acquaint your Lordship that the Queen has been pleased to direct that orders in conformity with the principles above-mentioned should forthwith be addressed to all proper authorities in the United Kingdom, and to Her Majesty's naval and other authorities in all quarters beyond the United Kingdom, for their guidance in the circumstances.

I have, &c.
(Signed) J. RUSSELL.

Inclosure 34 in No. 2.

Sir P. Wodehouse to Rear-Admiral Sir B. Walker, August 8, 1863.

[See Inclosure 6 in No. 1.]

Inclosure 35 in No. 2.

Extract from Wheaton's "Elements of International Law."

[See Inclosure 7 in No. 1.]

Inclosure 36 in No. 2.

Rear-Admiral Sir B. Walker to Sir P. Wodehouse, August 8, 1863.

[See Inclosure 8 in No. 1.]

Inclosure 37 in No. 2.

Sir P. Wodehouse to Rear-Admiral Sir B. Walker, August 10, 1863.

[See Inclosure 9 in No. 1.]

Inclosure 38 in No. 2.

Rear-Admiral Sir B. Walker to Sir P. Wodehouse, August 11, 1863.

[See Inclosure 10 in No. 1.]

Inclosure 39 in No. 2.

Mr. Holmes to Mr. Rawson.

Sir, *Cape Town, August 6, 1863.*
WITH reference to the seizure by the so-called Confederate steam-ship "Alabama" of the United States' merchant barque "Sea Bride," bound from New York to this port, on Thursday, the 5th instant, whilst entering Table Bay, I beg to state that, from information which I have received, and from my own observation, I believe that the said barque was seized within the neutral limits allowed by the law of nations. I beg therefore to protest, on behalf of the principal underwriters in the said United States, whose agent I am in this Colony, against the said seizure as being illegal, and to claim the protection of the British Government for the said barque and underwriters.

I have, &c.
(Signed) G. S. HOLMES, *Agent for said Underwriters.*

Inclosure 40 in No. 2.

Mr. Rawson to Mr. Holmes.

Sir, *Colonial Office, August 7, 1863.*
I AM directed by the Governor to acknowledge the receipt of your letter of yesterday's date relative to the capture of the "Sea Bride," and to acquaint you that an inquiry is in progress as to the circumstances under which it took place.

I have &c.
(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

The Secretary to the Admiralty to Mr. Hammond.—(Received October 21.)

Sir,

Admiralty, October 21, 1863.

WITH reference to my letter of the 26th ultimo I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral Sir Baldwin Walker, dated the 31st August, with copy of its inclosure, relative to two vessels captured by the so-styled Confederate vessel "Alabama" having visited Saldanha Bay, and the question whether the laws of neutrality prescribed by the Queen's Proclamation have not been infringed by the proceedings of these vessels.

I am, &c.
(Signed) C. PAGET.

Inclosure 1 in No. 3.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"Narcissus," Simon's Bay. August 31, 1863.

I BEG to inclose, for the information of my Lords Commissioners of the Admiralty, the copy of a letter addressed to me by Captain Forsyth, of Her Majesty's ship "Valorous," reporting the result of his visit to Saldanha Bay to watch the movements of the Confederate States' vessels and prizes said to have gone in that direction.

2. The report of the inhabitants of Hontges Bay, northward of Saldanha Bay, that the prize "Sea Bride" and the so-called tender "Tuscaloosa" having visited that place, and received on board some men sent from Cape Town, tends to confirm the suspicions referred to in my letter of the 19th instant, paragraph 7; and I believe that these vessels and their cargoes have been since disposed of to some parties at Cape Town. The fact of the "Sea Bride," which was the vessel captured off Table Bay by the "Alabama," being carried into Hontges Bay, although she may have been previously made into a tender in the same manner as the "Tuscaloosa," having her cargo of merchandize still on board, would appear to be a breach of the laws of neutrality prescribed by the Queen's proclamation.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 3.

Captain Forsyth to Rear-Admiral Sir B. Walker.

Sir,

"Valorous," Table Bay, August 24, 1863.

HAVING received a request in the evening of the 19th instant, from his Excellency Sir P. Wodehouse (a copy of which I beg to inclose), that I would proceed to Saldanha Bay and there take such steps as I might think proper for enforcing the instructions of Her Majesty's Government with regard to British neutrality, I weighed at 9 P.M. under steam and arrived at my destination the next morning. I first examined the southern part of the Bay for any vessels that might have anchored in that locality; not finding any, I proceeded the same afternoon to Hontges Bay, further to the northward, and found from information obtained from the residents that two Confederate vessels, the "Sea Bride" and "Tuscaloosa," had sailed on the previous morning, having been at anchor two days at this place, and it is reported shipped some men, one from this Bay and others said to have been brought from Cape Town in a cargo boat. On their leaving the port they were communicated with by a steamer, after which the former stood to the westward and the latter to the southward.

The wind having set in from the northward and there being a very heavy sea outside, I decided on remaining at the anchorage until the weather cleared, more particularly as our starboard fore-bitts have been strained and the stopper-bolts drawn, which I felt anxious to repair before returning to Table Bay.

Having partially completed the above-mentioned repairs, I left Saldanha Bay at 8 A.M. this morning, and arrived here at 5.30 P.M. this day.

I have, &c.
(Signed) C. C. FORSYTH.

No. 4.

The Secretary to the Admiralty Mr. Hammond.—(Received October 21.)

Sir,

Admiralty, October 21, 1863.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated the

17th September, from Rear-Admiral Sir Baldwin Walker, with copy of its inclosure relative to the movements of the so-styled Confederate States' ship "Alabama" and her prizes.

I am, &c.
(Signed) C. PAGET.

Inclosure 1 in No. 4.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir, "Narcissus," *Simon's Bay, September 17, 1863.*
WITH reference to my letters dated respectively the 19th and 31st ultimo, relative to the Confederate States' ship of war "Alabama," and the prizes captured by her, I beg to inclose, for their Lordships' information, the copy of a statement forwarded to me by the Collector of Customs at Cape Town, wherein it is represented that the "Tuscaloosa" and "Sea Bride" had visited Ichaboe, which is a dependency of this Colony.

2. Since the receipt of the above-mentioned document, the "Alabama" arrived at this anchorage (the 16th instant), and when Captain Semmes waited upon me I acquainted him of the report, requesting he would inform me if it was true. I was glad to learn from him that it was not so. He frankly explained that the prize "Sea Bride" in the first place had put into Saldanha Bay through stress of weather, and on being joined there by the "Tuscaloosa," both vessels proceeded to Angra Pequena on the West Coast of Africa, where he subsequently joined them in the "Alabama," and there sold the "Sea Bride" and her cargo to an English subject who resides at Cape Town. The "Tuscaloosa" had landed some wool at Angra Pequena and received ballast, but he states is still in commission as a tender. It will therefore be seen how erroneous is the accompanying report. I have no reason to doubt Captain Semmes' explanation; he seems to be fully alive to the instructions of Her Majesty's Government, and appears to be most anxious not to commit any breach of neutrality.

3. The "Alabama" has returned to this port for coal, some provisions, and to repair her condensing apparatus.

4. From conversation with Captain Semmes, I find that he has been off this Cape for the last five days, and as the "Vanderbilt" left this on the night of the 11th instant it is surprising they did not see each other.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 4.

Information received September 11, 1863.

ON the 3rd August the "Sea Bride," now hailing from Hamburgh, together with the "Tuscaloosa," sailed from Ichaboe. The "Sea Bride" having landed part of her cargo, and filled up with guano, both vessels were remanned from the working party on the Islands, and the former crews landed.

Captain Icton of the "Flower of Yarrow" piloted the "Alabama" into the Lagoon, or as it is called Galvidea Bay, thirty to forty miles north of Ichaboe, where she landed some cargo.

The "Isabella" schooner of Cape Town took on board part of "Sea Bride's" cargo, consisting of tobacco, flour, beef, and pork.

The "Tuscaloosa" landed her cargo at Angra Pequena, and was ballasted and refitted there.

The "Sea Bride" and "Tuscaloosa" are supposed to have sailed for Mauritius.

The above information was yesterday confirmed by the arrival of the "Gem" from Angra Pequena.

Custom-House, Cape Town, September 15, 1863.

Captain Johnson, formerly of the "Albatross," commands the "Sea Bride, and Mr. Cloete the "Tuscaloosa."

No. 5.

The Secretary to the Admiralty to Mr. Hammond.—(Received October 22.)

Sir, *Admiralty, October 21, 1863.*
I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Russell, that Rear-Admiral Sir Baldwin Walker, in a letter dated the 2nd ultimo, reports that the Confederate States' steam-vessel "Georgia" went to sea from Simon's Bay on the evening of the 29th August; and that the following afternoon the Federal steam-ship of war "Vanderbilt" communicated with a pilot off Cape Hanglip, and then proceeded in search of the Confederate ships which have lately visited the Cape of Good Hope. The Commander of the "Vanderbilt" is said to have told the pilot to look out for him off Simon's Bay in the course of a week.

I am, &c.
(Signed) C. PAGET.

No. 6.

The Secretary to the Admiralty to Mr. Hammond.—(Received November 24.)

Sir,

Admiralty, November 24, 1863.

I AM commanded by my Lords Commissioners of the Admiralty, to acquaint you, for the information of Earl Russell, that Rear-Admiral Sir Baldwin Walker has reported that the "Alabama" left the Cape of Good Hope on the 25th September, and had not since been heard of by him. The "Vanderbilt" was reported as having reached the Mauritius.

I am, &c.
(Signed) W. G. ROMAINE.

No. 7.

Mr. Elliot to Mr. Hammond.—(Received December 10.)

(Extract.)

Downing Street, December 9, 1863.

I AM directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, a copy of a despatch which his Grace has addressed to the Governor of the Cape.

Inclosure in No. 7.

The Duke of Newcastle to Sir P. Wodehouse.

Sir,

Downing Street, November 4, 1863.

I HAVE received your despatch of the 19th August last, submitting for my consideration various questions arising out of the proceedings at the Cape of Good Hope of the Confederate vessels "Georgia," "Alabama," and her reputed tender the "Tuscaloosa."

I will now proceed to convey to you the views of Her Majesty's Government on these questions.

The capture of the "Sea Bride" by the "Alabama" is stated to have been effected beyond the distance of three miles from the shore,—which distance must be accepted as the limit of territorial jurisdiction according to the present rule of international law upon that subject. It appears, however, that the prize, very soon after her capture, was brought within the distance of two miles from the shore; and as this is contrary to Her Majesty's orders, it might have afforded just grounds (if the apology of Captain Semmes for this improper act, which he ascribed to inadvertence, had not been accepted by you) for the interference of the Colonial authorities upon the principles which I am about to explain.

With respect to the "Alabama" herself, it is clear that neither you nor any other authority at the Cape could exercise any jurisdiction over her; and that, whatever may have been her previous history, you were bound to treat her as a ship of war belonging to a belligerent Power.

With regard to the vessel called the "Tuscaloosa," I am advised that this vessel did not lose the character of a prize captured by the "Alabama," merely because she was, at the time of her being brought within British waters, armed with two small rifled guns, in charge of an officer and manned with a crew of ten men from the "Alabama," and used as a tender to that vessel under the authority of Captain Semmes.

It would appear that the "Tuscaloosa" is a barque of 500 tons, captured by the "Alabama," off the coast of Brazil, on the 21st of June last, and brought into Simon's Bay on or before the 7th of August, with her original cargo of wool (itself, as well as the vessel, prize) still on board, and with nothing to give her a warlike character (so far as is stated in the papers before me), except the circumstances already noticed.

Whether, in the case of a vessel duly commissioned as a ship of war, after being made prize by a belligerent Government, without being first brought *infra præsidia* or condemned by a Court of Prize, the character of prize, within the meaning of Her Majesty's Orders, would or would not be merged in that of a national ship of war, I am not called upon to explain. It is enough to say that the citation from Mr. Wheaton's book by your Attorney-General does not appear to me to have any direct bearing upon the question.

Connected with this subject is the question as to the cargoes of captured vessels which is alluded to at the end of your despatch. On this point I have to instruct you that Her Majesty's Orders apply as much to prize cargoes of every kind which may be brought by any armed ships or privateers of either belligerent into British waters as to the captured vessels themselves. They do not, however, apply to any articles which may have formed part of any such cargoes, if brought within British jurisdiction, not by armed ships or privateers of either belligerent, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors.

I think it right to observe that the third reason alleged by the Attorney-General for his opinion assumes (though the fact had not been made the subject of any inquiry) that "no means existed for determining whether the ship had or had not been judicially condemned in a Court of competent

jurisdiction," and the proposition that, "*admitting her to have been captured by a ship of war of the Confederate States*, she was entitled to refer Her Majesty's Government, in case of any dispute, to the Court of her States in order to satisfy it as to her real character." This assumption, however, is not consistent with Her Majesty's undoubted right to determine within her own territory whether her own orders, made in vindication of her own neutrality, have been violated or not.

The question remains what course ought to have been taken by the authorities of the Cape—

1st. In order to ascertain whether this vessel was, as alleged by the United States' Consul, an uncondemned prize brought within British waters in violation of Her Majesty's neutrality; and

2ndly. What ought to have been done if such had appeared to be really the fact.

I think that the allegations of the United States' Consul ought to have been brought to the knowledge of Captain Semmes while the "*Tuscaloosa*" was still within British waters, and that he should have been requested to state whether he did or did not admit the facts to be as alleged. He should also have been called upon (unless the facts were admitted) to produce the "*Tuscaloosa's*" papers. If the result of these inquiries had been to prove that the vessel was really an uncondemned prize, brought into British waters in violation of Her Majesty's Orders made for the purpose of maintaining her neutrality, I consider that the mode of proceeding in such circumstances, most consistent with Her Majesty's dignity, and most proper for the vindication of her territorial rights, would have been to prohibit the exercise of any further control over the "*Tuscaloosa*" by the captors, and to retain that vessel under Her Majesty's control and jurisdiction until properly reclaimed by her original owners.

I have, &c.
(Signed) NEWCASTLE.

No. 8.

Mr. Elliot to Mr. Hammond.—(Received January 30.)

(Extract.)

Downing Street, January 29, 1864.

WITH reference to the proceedings, at the Cape of Good Hope, of the Confederate war-steamer "*Alabama*," and her prizes, I am directed by the Duke of Newcastle, to transmit to you for the consideration of Earl Russell, a copy of a further despatch from the Governor of that Colony on the subject, and I am to request that you will state to his Lordship, that his Grace proposes to inform Sir P. Wodehouse, that in the despatch addressed to him from this office, of which a copy is inclosed, it was not intended to censure his conduct in any respect, or to express a doubt as to its propriety in regard to the "*Sea Bride*."

Inclosure 1 in No. 8.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, December 19, 1863.

I HAVE had the honour to receive your Grace's despatch of the 4th ultimo, from which I regret to learn that the course taken here relative to the Confederate war-steamer "*Alabama*" and her prizes has not in some respects given satisfaction to Her Majesty's Government.

I must only beg your Grace to believe that no pains were spared by the late Acting Attorney-General or by myself to shape our course in what we believed to be conformity with the orders of Her Majesty's Government and the rules of international law, as far as we could ascertain and interpret them.

Mr. Denysen has been so constantly engaged with professional business since the arrival of the mail that I have been prevented from discussing with him the contents of your despatch; but I think it right, nevertheless, to take advantage of the first opportunity for representing to your Grace the state of uncertainty in which I am placed by the receipt of this communication, and for soliciting such further explanations as may prevent my again falling into error on these matters. In so doing I trust you will be prepared to make allowance for the difficulties which must arise out of this peculiar contest, in respect of which both parties stand on a footing of equality as belligerents, while only one of them is recognized as a nation.

In the first place, I infer that I have given cause for dissatisfaction in not having more actively resented the fact that the "*Sea Bride*," on the day after her capture, was brought a short distance within British waters.

Your Grace demurs to my having accepted Captain Semmes' apology for this improper act, which he ascribed to inadvertence. You will pardon my noticing that the fact of the act having been done through inadvertence was established by the United States' Consul himself, one of whose witnesses stated, "the officer in command of the barque came on deck about that time, and stamping his foot as if chagrined to find her so near the land, ordered her further off, which was done immediately."

I confess that on such evidence of such a fact I did not consider myself warranted in requiring the Commander of Her Majesty's ship "*Valorous*" to take possession of the "*Alabama's*" prize.

The questions involved in the treatment of the "*Tuscaloosa*" are far more important and more

embarrassing; and first let me state, with reference to the suggestion that Captain Semmes should have been required to admit or deny the allegations of the United States' Consul, that no such proceeding was required. There was not the slightest mystery or concealment of the circumstances under which the "Tuscaloosa" had come into and then was in possession of the Confederates. The facts were not disputed. We were required to declare what was her actual status under those facts. We had recourse to Wheaton, the best authority on International Law within our reach—an authority of the nation with whom the question had arisen; an authority which the British Secretary for Foreign Affairs had recently been quoting in debates on American questions in the House of Lords.

Your Grace intimates that the citation from this authority by the Acting Attorney-General does not appear to have any direct bearing upon the question.

You will assuredly believe that it is not from any want of respect for your opinion, but solely from a desire to avoid future error, that I confess my inability to understand this intimation, or, in the absence of instructions on that head, to see in what direction I am to look for the law bearing on the subject.

The paragraph cited made no distinction between a vessel with cargo and a vessel without cargo; and your Grace leaves me in ignorance whether her character would have been changed if Captain Semmes had got rid of the cargo before claiming for her admission as a ship of war. Certainly, acts had been done by him which, according to Wheaton, constituted a "setting forth as a vessel of war."

Your Grace likewise states, "Whether in the case of a vessel duly commissioned as a ship of war, after being made prize by a belligerent Government without being first brought *infra præsidia*, or condemned by a Court of Prize, the character of prize within the meaning of Her Majesty's orders, would or would not be merged in a national ship of war, I am not called upon to explain."

I feel myself forced to ask for further advice on this point, on which it is quite possible I may be called upon to take an active part. I have already, in error, apparently, admitted a Confederate prize as a ship of war. The chief authority on International Law in which it is in my power to refer is Wheaton, who apparently draws no distinction between ships of war and other ships when found in the position of prizes, and I wish your Grace to be aware that within the last few days the commander of a United States' ship of war observed to me that if it were his good fortune to capture the "Alabama" he should convert her into a Federal cruiser.

I trust your Grace will see how desirable it is that I should be fully informed of the views of Her Majesty's Government on these points, and that I shall be favoured with a reply to this despatch at your earliest convenience.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 2 in No. 8.

The Duke of Newcastle to Sir P. Wodehouse, November 4, 1863.

[See Inclosure in No. 7.]

No. 9.

The Secretary to the Admiralty to Mr. Hammond.—(Received February 15.)

(Extract.)

Admiralty, February 15, 1864.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 5th January, from Rear-Admiral Sir Baldwin Walker, with copies of its inclosure, reporting that the barque "Tuscaloosa," under the Confederate flag, has been detained by the British authorities at Simon's Bay, Cape of Good Hope, until she can be transferred to her lawful owners, for violation of Her Majesty's orders for the maintenance of neutrality, the vessel being considered as an uncondemned prize, captured by the Confederate vessel of war "Alabama."

Inclosure 1 in No. 9.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"Narcissus," Simon's Bay, January 5, 1864.

I REQUEST you will be pleased to acquaint my Lords Commissioners of the Admiralty that the barque called the "Tuscaloosa," under the flag of the Confederate States of North America (referred to in my letter of the 19th August last), termed a tender to the "Alabama," returned to this anchorage on the 26th ultimo from cruising off the coast of Brazil.

2. In order to ascertain the real character of this vessel, I directed the boarding officer from my flag-ship to put the questions as per Inclosure No. 1 to the officer in command, Lieutenant Low, of the "Alabama," and having satisfied myself from his answers that the vessel was still an uncondemned prize captured by the "Alabama" under the name of the "Conrad," of Philadelphia, I

communicated the circumstances to the Governor of this Colony, who, concurring in opinion with me that she ought to be retained under Her Majesty's control and jurisdiction until reclaimed by her proper owners, for violation of Her Majesty's orders for the maintenance of her neutrality, I caused the so-called "Tuscaloosa" to be taken possession of, informing Lieutenant Low at the same time of the reason for doing so.

3. Lieutenant Low has entered a written protest against the seizure of the vessel, the copy of which, together with the reply of the Governor, I inclose for their Lordships' information, as well as a copy of all the correspondence which has passed on this subject.

4. Lieutenant Low having informed me that he expects the "Alabama" shortly to arrive at this place, I have allowed him and his crew to remain on board the "Conrad" for the present; but should the "Alabama" not make her appearance I have acquainted him that I will grant him and his officers (probably only one besides himself) a passage to England in one of the packets. The crew he wishes to discharge if there is no opportunity of their rejoining the "Alabama."

5. The vessel in question is at present moored in this bay, in charge of an officer and a few men belonging to Her Majesty's ship "Narcissus," where she will remain until she can be properly transferred to her lawful owners, as requested by the Governor.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 9.

Questions to be put to the Officer in Command or Charge of the barque "Tuscaloosa," carrying the Flag of the so-called Confederate States of America.

Ship's name and nation?—"Tuscaloosa." Confederate.

Name and rank of officer in command?—Lieutenant Low, late "Alabama."

Tonnage of the ship?—500.

Number of officers and men on board?—4 officers and 20 men.

Number and description of guns on board?—3 small brass guns, 2 rifled 12-pounders, and 1 smooth-bore -pounder.

Where is she from?—St. Katherine's, Brazils.

Where is she bound?—Cruizing.

For what purpose has the ship put into this port?—For repairs and supplies.

Is it the same ship that was captured by the "Alabama," and afterwards came to this port on the 9th of August last?—Yes.

What was her original name on being captured by the "Alabama"?—"Conrad," of Philadelphia.

When was she captured by "Alabama"?—21st June, 1863.

To what nation and to whom did she belong before her capture?—Federal States of America.

Has she been taken before any legally constituted Admiralty Court of the Confederate States?—No.

Has she been duly condemned as a lawful prize by such Court to the captors?—No.

What is she now designated?—Tender to the "Alabama."

What papers are there on board to constitute her as the Confederate barque "Tuscaloosa"?—The commission of the Lieutenant commanding the "Tuscaloosa" from Captain Semmes. The officers also have commissions to their ship from him.

Are the papers which belonged to her before she was seized by the "Alabama" on board?—No.

Is there any cargo on board, and what does it consist of?—No cargo—only stores for ballast.

(Signed) JOHN LOW, Lieutenant-Commander,
Confederate States' barque "Tuscaloosa."

(Signed) FRANCIS L. WOOD,
Lieutenant and Boarding Officer, Her Majesty's ship "Narcissus."

Inclosure 3 in No. 9.

Rear-Admiral Sir B. Walker to Sir P. Wodehouse.

Sir,

"Narcissus," Simon's Bay, December 26, 1863.

IN consequence of the arrival of the "Tuscaloosa" (the vessel captured by the Confederate States' ship of war "Alabama" on the 21st June last), having again returned to this anchorage this evening, I called upon the officer in command to answer the inclosed questions, which, together with the replies, I forward for your Excellency's information.

As it appears that this vessel, the "Tuscaloosa," late Federal ship "Conrad," is an uncondemned prize, brought into British waters in violation of Her Majesty's Orders made for the purpose of maintaining her neutrality, I therefore consider that she ought to be detained with the view of her being reclaimed by her original owners, in accordance with the opinion of the Law Officers of the Crown forwarded for my guidance, the copy of which I have already transmitted to you.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 4 in No. 9.

Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

Claremont, December 27, 1863.

Sir, I HAVE the honour to acknowledge the receipt of your Excellency's letter of yesterday's date, and to state that, after careful consideration of the instructions received by the last mail from Her Majesty's Government, and of the view taken by them of our former proceedings with respect to the "Tuscaloosa," I concur in your opinion that it will be proper to retain that vessel under Her Majesty's control and jurisdiction until properly reclaimed by her original owners.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 5 in No. 9.

Rear-Admiral Sir B. Walker to Lieutenant Low, C.S.N.

"Narcissus," Simon's Bay, December 27, 1863.

Sir, AS it appears that the "Tuscaloosa," under your charge and command, is a vessel belonging to the Federal States of America, having been captured by the Confederate States' ship of war "Alabama," and not having been adjudicated before any competent Prize Court, is still an uncondemned prize, which you have brought into this port in violation of Her Britannic Majesty's Orders for the maintenance of her neutrality, I have the honour to inform you that, in consequence, I am compelled to detain the so-called "Tuscaloosa" (late "Conrad"), with the view of her being restored to her original owners, and I request you will be so good as to transfer the charge of the vessel to the officer bearing this letter to you.

I am, &c.
(Signed) B. W. WALKER.

Inclosure 6 in No. 9.

Rear-Admiral Sir B. Walker to Sir P. Wodehouse.

"Narcissus," Simon's Bay, December 28, 1863.

Sir, I HAVE the honour to inform your Excellency that, acting upon your concurrence in my opinion with reference to the instructions received from home by the last mail, I have detained the barque "Tuscaloosa" (late "Conrad" of Philadelphia), because she is an uncondemned prize, taken by the Confederate States' ship of war "Alabama," and brought into British waters in violation of Her Majesty's Orders for maintaining her neutrality, and with the view to her being restored to her original owners.

I shall be ready to hand her over to the Consul of the United States at Cape Town, or to any person you may appoint to take charge of her.

I should add that Lieutenant Low has given up the "Tuscaloosa" (late "Conrad") under protest, which he is about to make in writing, a copy of which shall be transmitted to your Excellency as soon as received.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 7 in No. 9.

Lieutenant Low, C.S.N., to Rear-Admiral Sir B. Walker.

"Tuscaloosa," Simon's Bay, Cape of Good Hope, December 28, 1863.

Sir, I HAVE the honour to inclose for your information copy of a letter which I have forwarded this day to his Excellency the Governor of the Colony on the subject of the seizure in this port of the Confederate ship "Tuscaloosa."

I am, &c.
(Signed) JOHN LOW.

Inclosure 8 in No. 9.

Lieutenant Low, C.S.N., to Sir P. Wodehouse.

"Tuscaloosa," Simon's Bay, Cape of Good Hope, December 28, 1863.

Sir, AS the officer in command of the Confederate States' ship "Tuscaloosa," tender to the Confederate States' steamer "Alabama," I have to record my protest against the recent extraordinary

measures which have been adopted towards me and the vessel under my command by the British authorities of this Colony.

In August last the "Tuscaloosa" arrived in Simon's Bay. She was not only recognized in the character which she lawfully claimed and still claims to be, viz., a commissioned ship of war belonging to a belligerent Power, but was allowed to remain in the harbour for the period of seven days, taking in supplies and effecting repairs with the full knowledge and sanction of the authorities.

No intimation was given that she was regarded merely in the light of an ordinary prize, or that she was considered to be violating the laws of neutrality. * Nor, when she notoriously left for a cruise on active service, was any intimation whatever conveyed that on her return to the port of a friendly Power, where she had been received as a man-of-war, she would be regarded as a "prize," as a violator of the Queen's Proclamation of neutrality, and consequently liable to seizure. Misled by the conduct of Her Majesty's Government, I returned to Simon's Bay on the 26th instant, in very urgent want of repairs and supplies; to my surprise I find the "Tuscaloosa" is now no longer considered as a man-of-war, and she has by your orders, as I learn, been seized for the purpose of being handed over to the person who claims her on behalf of her late owners.

The character of the vessel, viz., that of a lawful commissioned man-of-war of the Confederate States of America, has not been altered since her first arrival in Simon's Bay, and she, having been once fully recognized by the British authorities in command in this Colony, and no notice or warning of change of opinion or of friendly feeling having been communicated by public notification or otherwise, I was entitled to expect to be again permitted to enter Simon's Bay without molestation.

In perfect good faith I returned to Simon's Bay for mere necessities, and in all honour and good faith in return, I should, on change of opinion or of policy on the part of the British authorities, have been desired to leave the port again.

But by the course of proceedings taken, I have been (supposing the view now taken by your Excellency's Government to be correct) first misled and next entrapped.

My position and character of my ship will most certainly be vindicated by my Government. I am powerless to resist the affront offered to the Confederate States of America by your Excellency's conduct and proceedings.

I demand, however, the release of my ship; and if this demand be not promptly complied with, I hereby formally protest against her seizure, especially under the very peculiar circumstances of the case.

I have, &c.
(Signed) JOHN LOW.

Inclosure 9 in No. 9.

Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

Sir, *Government House, December 30, 1863.*
I HAVE the honour to acknowledge the receipt of your Excellency's letter of yesterday's date and its inclosures, and beg to forward a copy of the reply given to the protest of the Commander of the "Tuscaloosa."

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 10 in No. 9.

Mr. Rawson to Lieutenant Low, C.S.N.

Sir, *Colonial Office, December 29, 1863.*
I AM directed by the Governor to acknowledge the receipt of your letter of yesterday's date protesting against the seizure of the "Tuscaloosa," whose character you represent to be the same as when, in August last, she was admitted into the port of Simon's Bay, and I am to acquaint you, in reply, that a full Report was submitted to Her Majesty's Government of all that took place on the first visit of the "Tuscaloosa," and that the seizure has now been made in conformity with the opinion expressed by them on that Report.

Your protest will of course be transmitted for their consideration.

I have, &c.
(Signed) RAWSON W. RAWSON.

Inclosure 11 in No. 9.

Rear-Admiral Sir B. Walker to Sir P. Wodehouse.

Sir, *"Narcissus," Simon's Bay, December 29, 1863.*
LIEUTENANT LOW, the officer belonging to the Confederate States' ship-of-war "Alabama," late in charge of the barque called the "Tuscaloosa" (properly the "Conrad" of Philadelphia), having sent me a copy of the protest which he has forwarded to your Excellency against the detention

of that vessel, I think it right to inclose for your information the copy of my letter to Lieutenant Low explaining the circumstances under which the so-called "Tuscaloosa" is detained.

I have, &c.
(Signed) B. W. WALKER.

N.B.—I beg to inclose a list of the officers and men on board the "Conrad," late "Tuscaloosa," as well as an inventory of stores, &c., on board, distinguishing those which are said to belong to the "Alabama."

Inclosure 12 in No. 9

LIST of Confederate Officers and Crew on board the Barque "Conrad," late "Tuscaloosa."

Name.	Rank or Rating.	Whence]
J. Low	Lieutenant commanding	
W. H. Sinclair ..	Master	
J. T. Merior ..	Master's Mate	
A. Marmilstein ..	Ditto	
Martin Molk ..	Boatswain's Mate	"Alabama," June 22, 1863
R. Owens	Ditto	" "
H. Legris	Quartermaster	" "
E. Jones	Ditto	" "
T. Williams ..	Ship's cook	" "
R. Williams ..	A.B.	" "
W. Jones	Ditto	" "
W. Gibbs	Ditto	At sea, August 17, 1863
E. Morrell	Ditto	" "
A. Anderson ..	Ordinary	" "
H. Anderson ..	Ditto	" "
S. Roberts	Ditto	" "
T. Allman	Steward	"Talisman," June 21, 1863
W. Renton	A.B.	"Alabama," "
S. Brewer	Ditto	" "
J. Duggan	Ditto	" "
J. Ross	Ordinary	At sea, August 17, 1863
C. Carew	Ditto	" "
S. Robertson ..	Carpenter's mate	" "
Ben Backstay ..	Ordinary	" "

LIST of Stores and Fittings belonging to the Barque "Conrad."

1 Chronometer	1 Bower anchor, 26 cwt.
1 Barometer	1 Kedge ditto, 6 cwt.
2 Sextants	1 Ditto ditto, 3 cwt.
1 Telescope	2 Chain cables, 85 fathoms
2 Timepieces	1 Box of charts
1 Brazilian ensign	Standing and running rigging complete,
1 American ensign	but in very bad condition
1 Longboat	No spare stores of any description on
2 Cutters	board.

(Signed) JOHN LOW, *Lieutenant commanding*
Confederate States' barque "Tuscaloosa."
W. R. KENNEDY, *Lieutenant,*
Her Majesty's ship "Narcissus."

LIST of Stores belonging to the Confederate Sloop of War "Alabama," on board the "Conrad."

1 Chronometer	6 12-pounder rifle shot
3 Sextants	6 12-pounder round shot
1 Telescope	500 Ball cartridges
1 Code of signals and signal-book	500 Percussion caps
1 Dutch ensign	12 Revolver pistols
1 Confederate ensign	300 Ball cartridges for ditto
22 Rifles and bayonets	500 Percussion caps for ditto
2 12-pounder rifled brass guns	5 Cutlasses
1 12-pounder smooth-bore brass gun	8 Watercasks
2 Barrels gunpowder (100 lbs. each)	3 Charts
100 Cartridges (1 lb. each)	

(Signed) JOHN LOW, *Lieutenant commanding*
Confederate States' barque "Tuscaloosa."
W. R. KENNEDY, *Lieutenant,*
Her Majesty's ship "Narcissus."

[Inclosure 13 in No. 9.]

Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

Sir,

Government House, Cape Town, January 4, 1864.

I BEG to acquaint your Excellency that it appears from a communication received from the Consul for the United States, that he is not in a position to receive charge of the "Tuscaloosa" on account of her original owners, and that he therefore desires her to remain for the present in charge of the British authorities. Under these circumstances, and as I cannot take charge of the vessel without entailing some expense on Her Majesty's Government, I am induced to ask whether it will be in your Excellency's power to make arrangements for her safe custody until she can be properly transferred to her lawful owners.

I have, &c.
(Signed) P. E. WODEHOUSE.

No. 10.

Sir F. Rogers to Mr. Hammond.—(Received February 25.)

Sir,

Downing Street, February 25, 1864.

WITH reference to previous correspondence on this subject, I am directed by the Duke of Newcastle to transmit to you, for the consideration of Earl Russell, the accompanying copies of two despatches received from the Governor of the Cape of Good Hope reporting the circumstances connected with the seizure of the "Tuscaloosa" by the Colonial Government.

I am, &c.
(Signed) FREDERICK ROGERS.

Inclosure 1 in No. 10.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, January 11, 1864.

I VERY much regret having to acquaint your Grace that the Confederate prize vessel the "Tuscaloosa" has again entered Simon's Bay, and that the Naval Commander-in-chief and myself have come to the conclusion that, in obedience to the orders transmitted to his Excellency by the Admiralty, and to me by your Grace's despatch of the 4th November last, it was our duty to take possession of the vessel, and to hold her until properly claimed by her original owners. The Admiral, therefore, sent an officer with a party of men from the flag-ship to take charge of her, and to deliver to her commander a letter in explanation of the act. Copies of his protest, addressed to me, and of my reply, are inclosed. He not unnaturally complains of having been now seized after he had on the previous occasion been recognized as a ship of war. But this is manifestly nothing more than the inevitable result of the overruling by Her Majesty's Government of the conclusion arrived at on the previous occasion by its subordinate officer.

The Consul for the United States, on being informed of what had taken place, intimated his inability to take charge of the ship on account of the owners, and expressed a desire that it should remain in our charge until he was put in possession of the requisite authority. Accordingly, after taking the opinion of the Attorney-General, it was arranged that the vessel should remain in the charge of Sir Baldwin Walker.

I ought to explain that the seizure was made without previous reference to the Attorney-General. I did not consider such a reference necessary. The law had been determined by Her Majesty's Government on the previous case. The Admiral was of opinion that we had only to obey the orders we had received, and on his intimating that opinion I assented.

Your Grace will observe that at the request of the officers of the "Tuscaloosa" the Admiral has permitted them to remain on board, in expectation of the immediate arrival of the "Alabama," to which ship they wish to return. I should otherwise have thought it my duty to provide them with passages to England at the cost of Her Majesty's Government, by whom, I conclude, they would be sent to their own country; and it is probable that if the "Alabama" should not soon make her appearance such an arrangement will become necessary.

I have only to add that I have thought it advisable, after what has now occurred, to intimate to the United States' Consul that we should probably be under the necessity of adopting similar measures in the event of an uncondemned prize being fitted for cruising and brought into one of our ports by a Federal ship of war. I did not speak positively, because I have been left in doubt by your Grace's instructions whether some distinction should not be drawn in the case of a ship of war of one belligerent captured and applied to the same use by the other belligerent, but the Consul was evidently prepared for such a step. Copies of all the correspondence are inclosed.

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 2 in No. 10.

Mr. Rawson to Mr. Graham.

Sir,

Colonial Office, December 28, 1863.

I AM directed by the Governor to acquaint you that the "Tuscaloosa" having again arrived in Simon's Bay will, under instructions lately received from Her Majesty's Government, be retained under Her Majesty's control and jurisdiction until properly reclaimed by her original holders.

I have, &c.

(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

Inclosure 3 in No. 10.

*Mr. Graham to Sir P. Wodehouse.**United States' Consulate, Cape Town, Cape of Good Hope,**December 29, 1863.*

Sir,

I HAVE to acknowledge the receipt of your letter of yesterday's date in reference to the "Tuscaloosa."

By virtue of my office as Consul for the United States of America in the British possessions of South Africa, of which nation the original owners of the "Conrad," *alias* "Tuscaloosa," are citizens, I possess the right to act for them when both they and their special agents are absent. I can institute a proceeding *in rem* where the rights of property of fellow-citizens are concerned without a special procuration from those for whose benefit I act, but cannot receive actual restitution of the *res* in controversy without a special authority (See United States' Statutes at large, vol. i, p. 254, notes 2 and 3.)

Under these circumstances, I am content that the vessel in question should for the present, or until the properly authenticated papers and power of attorney shall be received from the owners in America, remain in possession and charge of Her Majesty's naval officers. But should it hereafter be determined to give the vessel up to any party other than the real owners, I desire to have sufficient notice of the fact, so that I may take the proper steps to protect the interests of my absent fellow-citizens.

With regard to the property of American citizens seized here at the Custom-house, and which was formerly part of the "Sea Bride's" cargo, I would suggest that it also be held by the Colonial Government, subject to the order of the original owners. An announcement to that effect from you would be received with great satisfaction by me.

I have, &c.

(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 4 in No. 10.

Sir P. Wodehouse to the Duke of Newcastle.

My Lord Duke,

Government House, Cape Town, January 19, 1864.

WITH reference to my despatch of the 11th instant I beg to transmit, for your Grace's consideration and instructions, copies of further correspondence with the Naval Commander-in-chief, the Consul of the United States, and the Commander of the "Tuscaloosa."

I have, &c.

(Signed) P. E. WODEHOUSE.

Inclosure 5 in No. 10.

Lieutenant Kennedy and Mr. Pounds to Sir B. Walker.

Sir,

"Narcissus," Simon's Bay, January 13, 1864.

IN compliance with your order of the 12th instant we have been on board the barque "Conrad," of Philadelphia, to confer with Captain J. Hoets, the United States' Consular Agent, upon the condition of the said ship about to be restored to her original owners, and as we have agreed to and signed the Report drawn up by Captain Hoets for the information of the United States' Consul, we have the honour to forward a copy of the same, with a notation signed by Captain Hoets, which furnishes the necessary record of the transaction.

We have, &c.

(Signed) W. R. KENNEDY, *Lieutenant.*
THOMAS POUNDS.

Inclosure 6 in No. 10.

Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

Sir, *Government House, Cape Town, January 19, 1864.*
 I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 13th instant, and in transmitting copies of correspondence which has passed with the Consul of the United States and the Commander of the "Tuscaloosa," I have to beg that you will be good enough to give directions for the property alleged to belong to the "Alabama" being stored in the dockyard as proposed.

I have, &c.
 (Signed) P. E. WODEHOUSE.

Inclosure 7 in No. 10.

Lieutenant Low, C.S.N., to Sir P. Wodehouse.

Sir, *Cape Town, January 14, 1864.*
 I BEG to acknowledge receipt of your letter of yesterday, in which I am informed that it is your Excellency's intention to request the Naval Commander-in-chief to allow the arms and ammunition belonging to the Confederate States to be stored in the dockyard at Simon's Town.

Whilst thanking your Excellency for this intention, I beg to state that as these were placed in my charge by Captain Semmes of the Confederate steam-ship "Alabama," I should prefer handing them to his agents in this Colony to be stored by them under the usual Customs regulations until instructions can be received as to their disposal, and would respectfully solicit your Excellency's permission to have them landed, as I purpose leaving for England by the next mail-steamer.

I have further to thank your Excellency on behalf of the officers of the "Tuscaloosa" for your offer of assistance on leaving the Colony, and to state they have already made their arrangements.

I have, &c.
 (Signed) JOHN LOW.

Inclosure 8 in No. 10.

Mr. Rawson to Lieutenant Low.

Sir, *Colonial Office, January 18, 1864.*
 I AM directed by the Governor to acknowledge the receipt of your letter of the 14th instant, and to state that on full consideration of the case he thinks it advisable to adhere to the proposal already made, that the guns and other property alleged to belong to the "Alabama" should be placed in the dockyard at Simon's Town. They will then be subject to such orders as Her Majesty's Government may be pleased to make in the matter.

I am also to transmit to you, for your information, copies of a letter which has been received from the Consul of the United States, and of the reply given to it by his Excellency's directions.

I have, &c.
 (Signed) RAWSON W. RAWSON.

Inclosure 9 in No. 10.

Mr. Graham to Sir P. Wodehouse.

Sir, *United States' Consulate, Cape Town, January 16, 1864.*
 THE report of J. M. Hoets, Esquire, on the "Tuscaloosa," countersigned by Lieutenant Kennedy of the "Narcissus," has been received, and a copy furnished to Admiral Walker. Appended to that Report is a list of articles claimed by Lieutenant Low of the "Tuscaloosa" as belonging to the Confederate steamer "Alabama." Now among the articles enumerated in the list are three 12-pounder cannon taken from the American ship "Talisman," and one smaller brass cannon taken from the "Sea Bride," as I can prove by the testimony of a competent witness. These cannon I request shall be held for their owners in the same manner as the vessel. Not being able to identify the other articles in this list with perfect certainty I shall not claim them.

I have, &c.
 (Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 10 in No. 10.

Mr. Rawson to Mr. Graham.

Sir,

Colonial Office, January 18, 1864.

I AM directed by the Governor to acknowledge the receipt of your letter of the 16th instant, and to state that the guns to which you refer will be held subject to such instructions as Her Majesty's Government may think fit to issue respecting them.

I have, &c.

(Signed) RAWSON W. RAWSON, *Colonial Secretary.*

No. 11.

The Secretary to the Admiralty to Mr. Hammond.—(Received February 25.)

(Extract.)

Admiralty, February 25, 1864.

WITH reference to former correspondence I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral Sir Baldwin Walker, dated the 18th January, with copies of its inclosures, relating to the vessel called the "Tuscaloosa," and reporting that he has ordered a passage to England in the mail-packet for Lieutenant Low, lately in charge of the "Tuscaloosa," and of Mr. Sinclair, his first officer.

Inclosure 1 in No. 11.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"Narcissus," Simon's Bay, January 18, 1864.

WITH reference to my letter of the 5th instant, I have the honour to submit, for their Lordships' information, a further correspondence between the Governor of this Colony and myself relative to the American vessel "Conrad," of Philadelphia, lately called the "Tuscaloosa."

2. Lieutenant Low, belonging to the Confederate States' ship of war "Alabama," lately in charge of the "Tuscaloosa," having paid off and discharged his crew, finally quitted the vessel on the 9th instant; and I have ordered him a passage to England by the mail-packet "Saxon," together with his first officer, Mr. Sinclair.

3. The "Conrad" now remains in charge of a warrant officer and two ship-keepers, awaiting to be properly claimed or disposed of as the Government may direct.

I have, &c.

(Signed) B. W. WALKER, *Rear-Admiral.*

Inclosure 2 in No. 11.

Rear-Admiral Sir B. Walker to Sir P. Wodehouse.

Sir,

"Narcissus," Simon's Bay, January 6, 1864.

WITH reference to your Excellency's communication of yesterday's date, I have the honour to inform you that I will make arrangements for the safe custody of the "Conrad," of Philadelphia (late "Tuscaloosa"), by mooring her in this bay, and putting ship-keepers in charge of her, until she can be properly transferred to her lawful owners.

Lieutenant Low has requested to be allowed to remain on board the vessel, together with his crew, for the present, as he expected the "Alabama" to arrive here shortly, to which arrangement I have made no objection.

There are some guns and other articles on board the "Conrad" said to belong to the "Alabama," a list of which I have already forwarded to your Excellency. It is a matter for consideration how these things should be disposed of.

I think, as a precautionary measure, it may be desirable that some person on the part of the United States' Consul should visit the "Conrad," to observe the state she is in, on being taken into British custody, to prevent any question thereon hereafter.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 3 in No. 11.

Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

Sir,

Government House, January 9, 1864.

WITH reference to your Excellency's letter of the 6th instant, I have the honour to inclose the copy of a letter from the Consul of the United States relative to an inspection of the "Tuscaloosa."

I have, &c.
(Signed) P. E. WODEHOUSE.

Inclosure 4 in No. 11.

Mr. Graham to Sir P. Wodehouse.

Sir,

United States' Consulate, Cape Town, January 8, 1864.

YOUR letter of this date is received, and its request complied with. I have appointed Mr. J. M. Hoets, of Simon's Town, to inspect the "Tuscaloosa," and to report to me her present condition and equipments. He is also instructed to submit this report to the Admiral of the station, or some one authorized to act for him, for an endorsed approval or dissent.

When that report is received I will take pleasure in sending you a copy.

I have, &c.
(Signed) WALTER GRAHAM, *United States' Consul.*

Inclosure 5 in No. 11.

Mr. Hoets to Mr. Graham.

Sir,

Simon's Town, January 13, 1864.

PURSUANT to your letter of the 8th instant, appointing me to make a survey of the barque "Tuscaloosa," now in Simon's Bay, and take an inventory of the moveables on board, I now beg to report as follows:—

On going on board at 10 A.M. found the vessel lying moored and dismantled, with only stone ballast in her, the hull, as far as can be ascertained (without probing), sound, making very little water; decks defective, considerably worn, particularly the poop deck; the seams open, and some of the planks in a decayed state; outside found seams slack, the metal on her bottom much worn and ragged, about 100 sheets entirely off in different places.

The general condition of sails and running rigging very much worn; spars, standing rigging, boats, anchors, and cables, serviceable; the ship only having one heavy anchor, another was supplied by Her Majesty's Dockyard to moor ship.

Having examined the moveables, I am satisfied as to the correctness of the lists taken by Lieutenant Kennedy on the 2nd January last, of which the attached are copies.

I have, &c.
(Signed) J. M. HOETS, *United States' Consular Agent.*

We concur in the above.

(Signed) W. R. KENNEDY, *Lieutenant, H.M.S. "Narcissus."*
THOMAS POUNDS, *Master, H.M.S. "Narcissus."*

Inclosure 6 in No. 11.

Rear-Admiral Sir B. Walker Sir P. Wodehouse.

Sir,

"Narcissus," Simon's Bay, January 18, 1864.

REFERRING to your communication of the 9th instant relative to the inspection of the "Conrad," lately called the "Tuscaloosa," I beg to inclose for your Excellency's information the report of the condition of this vessel and her equipments made by Mr. J. Hoets (on the part of the United States' Consul) and Lieutenant Kennedy and Mr. Pounds, Master of Her Majesty's ship "Narcissus."

I have, &c.
(Signed) B. W. WALKER.

Inclosure 7 in No. 11.

List of Sails belonging to the barque "Conrad," late "Tuscaloosa," unbent and stowed in after-hold.

Foresail.	Main top-gallant staysail.	
Fore topsail.	Mizen topmast staysail.	
Fore top-gallant sail.	Main trysail.	
Fore royal.	Spanker.	
Mainsail.	Gaff topsail.	
Main topsail.	2 lower studding-sails.	
Main top-gallant sail.	1 topmast studding-sail.	
Main royal.	2 fore top-gallant studding-sails.	
Flying jib.	Spare {	3 topsails, fore or main, quite worn out.
Jib.		3 top-gallant studding-sails, fore or main, quite worn out.
Fore topmast staysail.		Main trysail.
Main topmast staysail.		

List of Running Gear belonging to barque "Conrad," late "Tuscaloosa," jagged up in 5-fathom lengths, and stowed in after-hold.

Lot 1. Main buntlines.	Lot 6. Main lifts.
Main topsail buntlines.	Main topsail clewlines.
Main top-gallant sheets.	Main topsail buntlines.
Main trysail out-haul.	Lot 7. Fore topsail clewlines.
Spanker out-haul.	Fore topsail buntlines.
Lot 2. Fore top-gallant and royal braces.	Fore topsail reef tackles.
Main topsail reef tackles.	Lot 8. Main topsail halliards.
Main trysail brails.	Fore topsail halliards.
Lot 3. Jib halliards, sheets, and down-haul.	Fore topmast studding-sail halliards.
Flying jib halliards, sheets, and down-hauls.	Lot 9. Main topmast staysail halliards.
Fore topmast staysail, halliards, sheets, and downhaul.	Main topmast staysail sheets.
Fore top-gallant sheets.	Gaff topsail halliards.
Lot 4. Main braces.	Gaff topsail sheets.
Main topsail braces.	Lot 10. Fore and main tacks.
Lot 5. Fore braces.	Fore and main sheets.
Fore topsail braces.	Lot 11. Main top-gear, &c.
	Chain topsail ties and pendants. Eighty blocks of various sizes, and in good condition.

N.B.—The whole of this rigging is condemnable.

(Signed) W. R. KENNEDY, *Lieutenant.*

Simon's Bay, January 2, 1864.

Inclosure 8 in No. 11.

List of Stores and Fittings belonging to the barque "Conrad."

1 chronometer.	1 long boat.
1 barometer.	2 cutters.
2 sextants.	1 bower anchor, 26 cwt.
1 telescope.	1 kedge anchor, 6 cwt.
2 time-pieces.	1 kedge anchor, 3 cwt.
1 Brazilian ensign.	2 chain cables, 85 fathoms.
1 American ensign.	1 box of charts.

Standing and running rigging complete, but in very bad condition.
No spare stores of any description on board.

(Signed) J. LOW, *Lieutenant Commanding Confederate States'*
barque "Tuscaloosa."
W. R. KENNEDY, *Lieutenant, H.M.S. "Narcissus."*

List of Stores belonging to the Confederate sloop of war "Alabama" on board the "Conrad."

1 chronometer.	6 12-pounder rifle shot.
3 sextants	6 12-pounder round shot.
1 telescope.	500 ball cartridges.
1 code of signals and signal-book.	500 percussion caps.
1 Dutch ensign.	12 revolver pistols.
1 Confederate ensign.	300 ball cartridges for pistols.
22 rifles and bayonets.	500 percussion caps for pistols.
2 12-pounder rifled brass guns.	5 cutlasses.
1 12-pounder smooth-bore brass gun.	8 water casks.
2 barrels gunpowder 100 lbs. each.	3 charts.
100 cartridges (1 lb.).	

(Signed) J. LOW, *Lieutenant Commanding Confederate States'*
barque "Tuscaloosa."
W. R. KENNEDY, *Lieutenant, H.M.S. "Narcissus."*

No. 12.

Mr. Elliot to Mr. Hammond.—(Received March 7.)

Sir,

Downing Street, March 7, 1863.

WITH reference to your letter of the 22nd ultimo, relative to the seizure of the "Tuscaloosa" by the authorities at the Cape of Good Hope, I am directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, a copy of a despatch which his Grace has addressed to the Governor of that Colony on the subject.

I am, &c.

(Signed) T. FREDK. ELLIOT.

Inclosure in No. 12.

The Duke of Newcastle to Sir P. Wodehouse.

Sir,

Downing Street, March 4, 1864.

I HAVE received your despatches of the 11th and 19th January, reporting the circumstances connected with the seizure of the Confederate prize-vessel "Tuscaloosa" under the joint authority of the naval Commander-in-chief and yourself. I have to instruct you to restore the "Tuscaloosa" to the Lieutenant of the Confederate States who lately commanded her, or if he should have left the Cape then to retain her until she can be handed over to some person who may have authority from Captain Semmes, of the "Alabama," or from the Government of the Confederate States, to receive her.

You will receive a further communication from me on this subject by the next mail.

I have, &c.

(Signed) NEWCASTLE.

No. 13.

Sir F. Rogers to Mr. Hammond.—(Received March 11.)

Sir,

Downing Street, March 11, 1864.

WITH reference to my letter of the 6th instant, I am directed by the Duke of Newcastle to transmit to you, for Lord Russell's information, the copy of a further despatch which his Grace has addressed to the Governor of the Cape of Good Hope relative to the case of the "Tuscaloosa."

I am, &c.

(Signed) FREDERIC ROGERS.

Inclosure in No. 13.

The Duke of Newcastle to Sir P. Wodehouse.

Sir,

Downing Street, March 10, 1864.

IN my despatch of the 4th instant I instructed you to restore the "Tuscaloosa" to the Lieutenant of the Confederate States who lately commanded her, or, if he should have left the Cape, then to retain her until she could be handed over to some person having authority from Captain Semmes of the "Alabama," or from the Government of the Confederate States, to receive her.

I have now to explain that this decision was not founded on any general principle respecting the treatment of prizes captured by the cruisers of either belligerent, but on the peculiar circumstances of the case. The "Tuscaloosa" was allowed to enter the port of Cape Town and to depart, the instructions of the 4th of November not having arrived at the Cape before her departure. The Captain of the "Alabama" was thus entitled to assume that he might equally bring her a second time into the same harbour, and it becomes unnecessary to discuss whether, on her return to the Cape, the "Tuscaloosa" still retained the character of a prize, or whether she had lost that character, and had assumed that of an armed tender to the "Alabama," and whether that new character, if properly established and admitted, would have entitled her to the same privilege of admission which might be accorded to her captor, the "Alabama."

Her Majesty's Government have, therefore, come to the opinion, founded on the special circumstances of this particular case, that the "Tuscaloosa" ought to be released, with a warning, however, to the Captain of the "Alabama," that the ships of war of the belligerents are not to be allowed to bring prizes into British ports, and that it rests with Her Majesty's Government to decide to what vessels that character belongs.

In conclusion, I desire to assure you that neither in this despatch nor in that of the 4th November have I desired in any degree to censure you for the course you have pursued. The questions on which you have been called upon to decide are questions of difficulty, on which doubts might properly have been entertained, and I am by no means surprised that the conclusions to which you were led have not, in all instances, been those which have been adopted on fuller consideration by Her Majesty's Government.

I am, &c.
(Signed) NEWCASTLE.

NORTH AMERICA.

No. 6. (1864.)

Correspondence respecting the "Yucaloosa."

*Presented to the House of Commons by Command
of Her Majesty. 1864.*

NORTH AMERICA.

No. 7. (1864.)

CORRESPONDENCE

RESPECTING

THE ENLISTMENT OF BRITISH SEAMEN

AT

QUEENSTOWN

ON BOARD THE

UNITED STATES' SHIP OF WAR

“KEARSARGE.”

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Enlistment of British Seamen
at Queenstown on board the United States' ship of war
"Kearsarge."

No. 1.

Mr. Arbuthnot to Mr. Hammond.—(Received November 20.)

Sir,

Treasury Chambers, November 21, 1863.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from the Commissioners of Customs relating to a report that the United States' war-sloop "Kearsarge" had taken on board British subjects at Queenstown, and I am to state that my Lords would be glad to be informed whether, in his Lordship's opinion, any further steps should be taken in the matter.

I have, &c.
(Signed) G. ARBUTHNOT.

Inclosure 1 in No. 1.

Mr. Gardner to Mr. Hamilton.

Sir,

Custom-House, November 19, 1863.

I AM directed to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that a rumour having reached the Collector of this Revenue at Cork that the United States' war-sloop "Kearsarge," which put into that port on the 2nd instant, had taken on board and proceeded to sea with several men being British subjects from the neighbourhood of Queenstown, he caused inquiry to be made, with a view of ascertaining whether any infringement of the provisions of the Foreign Enlistment Act had taken place. The person from whom the rumour emanated was a person named Samuel Dunn, a pensioner, residing at Ringaskiddy. Upon being questioned by the Collector, Dunn stated that James Haley, a native of Ringaskiddy, and who lived at that place about twenty years ago, at which time he was in the British service on board of the "Shamrock," afterwards joined the American service, and is now an officer on board the "Kearsarge." On the recent arrival of that vessel, Haley went on shore at Ringaskiddy to visit his relatives, and while on shore remained at the house of his sister. It is alleged that during his stay there he persuaded the following persons to go to sea in the "Kearsarge," but under what agreement no evidence appears:—

John Sullivan, Edward Pyburne, Thomas Murphy, George Patterson, Dennis Leary, natives of Ringaskiddy.

It is also alleged that Michael Ahern, of Queenstown, joined the said vessel. The five persons first named, who are from 17 to 18 years of age, were taken on board the ship by John Dunn, the son of Samuel Dunn, whose declaration to that effect is inclosed. It does not appear how Michael Ahern (a clerk lately dismissed from the service of Messrs. Scott of Queenstown) was taken on board. The reports of the officers at Cork and the declaration of John Dunn having been referred to the Solicitor of this Revenue, he has reported that the circumstance of the men having been put on board and sailed away in a vessel of war of the United States affords a strong inference that they have entered into the American war service, but that the proofs are not very strong to support such a case, and there is

no person known ashore who has been shown to be concerned in enlisting the men so as to render him amenable to prosecution under the 2nd section of the Foreign Enlistment Act, unless it be John Dunn himself, whose statement is very vague.

He appears, according to his own statement, to have acted as an unpaid volunteer, and does not explain wherefore or by whose instructions he put the men on board.

I am, &c.
(Signed) F. G. GARDNER.

Inclosure 2 in No. 1.

Declaration of John Dunn.

Queenstown, November 12, 1863.

I, JOHN DUNN, of Ringaskiddy, do declare that on Wednesday the 4th day of November, I took on board the American sloop-of-war "Kearsarge," in Queenstown harbour, John Sullivan, Edward Pyburne, Thomas Murphy, and George Patterson, and on Thursday the 5th November, Denis Leary, all of whom lived at Ringaskiddy, none of whom have landed to my knowledge.

I got no pay for taking them on board, they being too poor to pay, and I am not aware of any payment made to them on board.

(Signed) JOHN DUNN, his ✕ mark.

Read over to the party in our presence, who witness his mark hereto this 12th November, 1863, at Queenstown.

(Signed) J. MOORE, *Surveyor.*
N. SEYMOUR.
P. DUNN.

No. 2.

The Earl of Donoughmore to Earl Russell.—(Received November 26.)

My Lord, *52, South Audley Street, London, November 25, 1863.*

I THINK it right to forward to your Lordship the inclosed copy of a letter received this day from the Honourable J. M. Mason, together with copies of the declarations to which it refers.

Believe, &c.
(Signed) DONOUGHMORE.

Inclosure 1 in No. 2.

Mr. Mason to the Earl of Donoughmore.

My Lord, *16, Rue de Marignan, Paris, November 23, 1863.*

I HAVE received here the affidavits of which I venture to inclose copies.

They were taken, as you will see, at Cork, in Ireland, by the Commercial Agent of the Confederate States at that place, and clearly prove the enlistment of a number of men into the naval service of the United States on board the Federal frigate "Kearsarge" whilst recently at that port.

It is certainly desirable that this offence should be brought to the notice of the Government, an office which I am not in a position to perform.

I have taken leave, therefore, to send the papers to you, and though without any request (which I could not take the liberty to make), yet if you think proper to send them to the Foreign Office, it would place it in the power of the Government to examine into the facts. The original affidavits remain in the possession of Robert Dowling, Esq., at Cork or Queenstown.

I have, &c.
(Signed) J. M. MASON.

Inclosure 2 in No. 2.

Declaration of Patrick Kennedy.

Borough of Cork, to wit:

By one of Her Majesty's Justices of the Peace for the Borough of Cork.

I, PATRICK KENNEDY, of Queenstown, in the county of Cork, yeoman, do solemnly and sincerely declare that, on Tuesday the 3rd day of November instant, I went on board the American war frigate "Kearsarge," then lying in the port of Cork, for the purpose of enlisting in the naval service to which she belonged. Thomas Verling, of Queenstown, and two other men from the light-house, whose names I do not know, were with me; we all went for the same purpose, having previously ascertained that the officers on board were enlisting men. This was widely circulated through Queenstown. When I went on board it was about 2 o'clock, and one of the officers told me I would be taken for landsman. The same officers told a person, whom I believe to be the boatswain's mate, to take me before the doctor; and accordingly I and the three other men were taken before the doctor of the ship, were stripped, even our stockings taken off, and passed his inspection. We left about 4 o'clock promising to come aboard at 7 o'clock same evening. I did not go aboard that evening, but returned at about 7 o'clock next morning, and had breakfast, dinner, and supper on board. While aboard next day seven or eight men from Ringaskiddy, all Irishmen, came aboard and told me they had passed the doctor. These men sailed on board the vessel. I did not, as I, when outside the harbour, as the parties were asleep below, slipped into the boat with the pilot and came home. A boy of the name of Murphy, from Queenstown, also passed the doctor, and sailed in the vessel, so did all the others, with the exception of Verling; he did not go. There were from 150 to 200 men taken on board, nearly all Irish. I saw Mr. Eastman, the American Consul for Queenstown, on board; he was in conversation with some of the officers on board and remained for some time. Mr. Dawson, the agent of the Consul, was also on board. I was told 12 dollars a month would be the pay. After we passed the doctor our names were registered. And I make this solemn declaration conscientiously believing the same to be true, and in pursuance of the statute for the abolition of oaths, and the substitution of declarations in lieu thereof.

Made and subscribed before me at and in the borough of Cork, this 18th day of November, 1863.

PATRICK KENNEDY, his  mark.

Truly read by me,
(Signed)

THOMAS. H. CROFTS.

FELICE MULLUN, one of the Justices of the Peace
for the Borough of Cork.

Inclosure 3 in No. 2.

Declaration of Edward Lynch.

Borough of Cork, to wit:

By one of Her Majesty's Justices of the Peace for the said borough.

I, EDWARD LYNCH, of Queenstown, in the county of Cork, yeoman, do solemnly and sincerely declare that the American war steam-frigate "Kearsarge," came into the port of Queenstown, in this county, on the 2nd day of November instant, where she anchored, and remained till the 6th day of November following. That it was rumoured that she was taking men for the support of the war now going on in America, and I, in company with one Daniel O'Connell, of Whitepoint, and one John Connelly, of Bishop's-street, in the town of Queenstown, both in said county, and all Irishmen, went on board said frigate. That I remained on board said war frigate up to the hour of half past 5 o'clock in the afternoon on said day, and got my dinner and supper on board with all the other hands, and that the boatswain of said frigate shipped the said O'Connell and Connelly to serve on board said war frigate, and proceed to America therein, but objected to me on account of my height. That previously to the shipping of said two men, O'Connell and Connelly, they had to pass inspection of the naval doctor on board, in the usual way in which men enlisting in the navy have to do. That another man whose I do not know, and also, as I believe, a British subject, who formerly belonged to a merchant ship, and was residing in Queenstown for about three months previously, passed the doctor and was shipped. That two other men who belonged to Ringaskiddy, in this county, were also taken as firemen on board said war frigate, and that it was stated on board that the pay was to be 12 dollars per month. That the captain of said frigate was not on board at the time of these occurrences, but I heard the commander say to the

boatswain, "I'll leave them in charge to you now." The boatswain took them with him, and in some time after they, the said O'Connell and Connelly, returned and told me they passed the doctor. O'Connell's mother, now Mrs. Buckley, lives at the back of the chapel at Queenstown. A boatman from the Holy ground at Queenstown also came on board, passed the naval doctor in the usual way aforesaid, and was taken into service on board. There were about 200 hands on board, principally English and Irish. The said war frigate sailed from this port, by the directions of the Admiral, now stationed at Queenstown, on Friday the 6th day of November instant, and it was stated she would first proceed to France thence to America. The men of whom I have declared sailed on board said war frigate, out of the port of Cork, and I make this solemn declaration conscientiously believing the same to be true, in pursuance of the statute for the abolition of oaths, and the substitution of declarations in lieu thereof.

Made and subscribed before me in the borough of Cork, this 16th day of November, 1863.

EDWARD LYNCH, his $\bowtie$ mark.

Truly read by me to the said Edward Lynch,
(Signed)

THOMAS W. CROFTS.

ROBERT HALL, *Justice of the Peace, Borough of Cork.*

No. 3.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, November 30, 1863.

I HAVE the honour to call your attention to the following statement which has come to the knowledge of Her Majesty's Government, respecting the shipment of British subjects on board the United States' ship of war "Kearsarge" when in the port of Queenstown, for service in the navy of the United States.

It is reported that when the "Kearsarge" was at Queenstown early in this month, one of her officers, named James Haley, who had been a resident at Ringaskiddy about twenty years ago, and who after serving on board Her Majesty's ship "Shamrock," had entered into the service of the United States, went ashore for the purpose of visiting his sister at that place, and when there, persuaded five persons named John Sullivan, Edward Pyburne, Thomas Murphy, George Patterson, and Dennis Leary to go to sea in the "Kearsarge." These men are said to have been taken on board that vessel by one J. Dunn, a boatman of Ringaskiddy. Another person of the name of Michael Ahern, lately in the employment of Messrs. Scott of Queenstown, is also reported to have gone on board at the same time. None of these persons seem to have come on shore again, and they therefore must have sailed in the "Kearsarge," and have taken service in her as seamen.

Her Majesty's Government have also been furnished with copies of affidavits made by Patrick Kennedy and Edward Lynch, both natives of Queenstown, who declare that they proceeded on board the "Kearsarge" to enter as seamen, but did not sail in her.

Patrick Kennedy deposes that he underwent an inspection by the ship's doctor, and that his name was registered, that he saw seven or eight other men from Ringaskiddy come on board, all Irishmen, one of them named Murphy; the names of the others he states himself not to know. He states that he was informed the pay would be 12 dollars a month. Kennedy, however, left the ship with the pilot and returned to land.

Kennedy also deposes that he saw on board the "Kearsarge" Mr. Eastman, the American Consul for Queenstown, in conversation with one of the officers, and that Mr. Dawson, the agent of the Consul, was also on board.

Edward Lynch's affidavit corroborates the assertions made by Kennedy. He says that he went on board with two other Irishmen, Daniel O'Connell of Whitepoint, and John Connelly of Bishop's Street, Queenstown, and that O'Connell and Connelly having been passed by the doctor were engaged as seamen together with three other men, all British subjects, whose names he did not know, he himself being rejected on account of his height. He declares that all those whom he saw thus engaged, sailed in the vessel when she left Queenstown.

I need not point out to you the importance of these statements, as proving a deliberate violation of the laws of this country within one of its harbours by commissioned officers of the navy of the United States.

Before I say more I wait to hear what you can allege in contravention of such culpable

conduct on the part of the United States' officers of the navy, and the United States' Consul at Queenstown.

I am, &c.
(Signed) RUSSELL.

No. 4.

Mr. Adams to Earl Russell.—Received December 3.)

Legation of the United States, London, December 2, 1863.

MR. ADAMS, Envoy Extraordinary and Minister Plenipotentiary of the United States, presents his compliments to the Right Honourable Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to acknowledge the reception of his Lordship's note of the 30th ultimo relating to certain unlawful proceedings alleged to have taken place at Queenstown, in the enlistment of Her Majesty's subjects on board of the "Kearsarge," and to the agency of the Consul of the United States, Mr. Eastman, in that transaction.

It would be a cause of great regret to Mr. Adams if any just ground should have been given by an officer of the United States to any similar allegation. He loses no time in assuring his Lordship that he has taken immediate measures to apprise Mr. Eastman of the nature of the statement thus made, and to obtain the necessary explanations of the matter from him. In the meantime, Mr. Adams cannot permit himself to doubt that the charge will prove to have been founded in some misconception of the facts of the case.

Mr. Adams prays, &c.

No. 5.

Mr. Adams to Earl Russell.—(Received December 7.)

*Legation of the United States, London,
December 7, 1863.*

My Lord,

WITH reference to your note of the 30th of November, respecting certain insinuations contained in the depositions of parties at Queenstown against the conduct of Mr. Eastman, the Consul of the United States, in connection with a supposed enlistment of men for service in the steamer "Kearsarge," I take pleasure in transmitting to you a copy of what Mr. Eastman writes in answer to my inquiry.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 5.

Mr. Eastman to Mr. Adams.

*United States' Consulate, Queenstown, Cork,
December 4, 1863.*

(Extract.)

WITH regard to any connivance upon my part in this matter, I can truly assert and declare that I do not know of a single shipment of seamen on board of the vessel, nor of the hiring or engagement of any, and have no doubt if such shipments took place I should have had some information, and, from the positive assurance of the captain and his officers, I cannot believe that the captain or his officers did during the stay of the vessel in this port commit the acts represented to Earl Russell, as stated in his communication of the 30th of November. I feel assured, from the position of the captain in the service, that you will be justified in assuring Earl Russell that no such acts as have been represented to him were committed, and again would fearlessly state that so far as I am concerned, I am perfectly ignorant of such alleged acts, and should not be so remiss in my duty to my Government as not to convey it to them if such had occurred to my knowledge.

No. 6.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 9.)

Sir,

Admiralty, December 9, 1863.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral Sir Lewis Jones, dated the 7th instant, relative to fifteen seamen having been landed at Queenstown from the United States' sloop-of-war "Kearsarge," who stated that they had been shipped at that port.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure in No. 6.

Rear-Admiral Sir L. Jones to the Secretary to the Admiralty.

Sir,

"Hastings," Queenstown December 7, 1863.

I HAVE the honour to report, for their Lordships' information, that the United States' steam-corvette "Kearsarge" came off the harbour this morning, and shortly afterwards fifteen seamen were landed from her by the "Petrel," a schooner pilot boat, belonging to Messrs. Scott and Co., merchants, of Queenstown.

2. It appears from the statements of these men that they were shipped between the 2nd and 5th November last, while the "Kearsarge" was windbound at this port, and regularly entered as part complement of the ship on arriving at Brest.

3. I would beg to observe that Captain Winslow of the "Kearsarge" was perfectly aware of Her Majesty's Proclamation and the Statute Law on that point, as he had a copy of the Proclamation in his possession, and I had a conversation with him on the subject, and he stated to me in the presence of Mr. Eastman, the United States' Consul, that he did not want any men—he only wanted a clerk.

4. The men now landed are in custody, awaiting the decision of the Custom-house authorities in London.

5. I have further to add that Mr. Eastman, the United States' Consul, read to me this morning a letter he had received from Captain Winslow of the "Kearsarge," stating that a number of men were found secreted on board the "Kearsarge" after his leaving Queenstown on the 5th November, and that he would have landed them at Brest, but that doing so would have put them into the hands of the Confederate war-steamer "Florida," and he now sends them on shore at Queenstown.

I have, &c.

(Signed) LEWIS JONES.

No. 7.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 10.)

Sir,

Admiralty, December 10, 1863.

WITH reference to my letter of the 9th instant, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a further letter from Rear-Admiral Sir Lewis Jones, dated the 8th instant, with copies of its inclosures, relating to the men re-landed at Queenstown from the United States' ship-of-war "Kearsarge."

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure 1 in No. 7.

Rear-Admiral Sir L. Jones to the Secretary to the Admiralty.

Sir,

"Hastings," at Queenstown, December 8, 1863.

WITH reference to my letter of yesterday's date, I inclose herewith, for their Lordships' information, a copy of the letter from Captain Winslow, of the United

States' sloop "Kearsarge," which Mr. Eastman, the United States' Consul, read to me yesterday. Also a letter from Captain Winslow to myself, reporting his arrival for the purpose of landing sixteen men, said to have concealed themselves on board the "Kearsarge" prior to that ship's departure from Queenstown on the 5th of November, with copies of the certificates of Captain Winslow and Lieutenant Thornton, executive officer of the "Kearsarge," relating to the men in question.

2. Since my letter of yesterday's date I find another man was landed, which makes the number sixteen instead of fifteen.

3. On the United States' Consul informing me that he intended to go on board the "Kearsarge" to communicate with Captain Winslow, I requested him to state to that officer that I considered the manner of landing the men in a pilot-boat without having previously communicated with the authorities of this place was irregular.

I am, &c.

(Signed) LEWIS T. JONES.

Inclosure 2 in No. 7.

Captain Winslow, U.S.N., to Mr. Eastman.

ir,

"Kearsarge," at Sea, December 7, 1863.

A PARTY of men, either by connivance of the crew or otherwise, were concealed on board this vessel on the night of her departure from Queenstown, the 5th ultimo. These men I learn were in expectation of being enlisted in the service of the United States after the "Kearsarge" had proceeded to sea, but found their mistake.

To have turned them ashore at Brest would have been to open to them the temptation to enlist on board the "Florida." I therefore determined to leave them at Queenstown as soon as it was practicable. You will please notify Admiral Jones that I informed him that no enlistments would be made at Queenstown. I have therefore sent on shore this party that no charge of subterfuge may be alleged in the premises.

Very respectfully, &c.

(Signed) JOHN A. WINSLOW.

Inclosure 3 in No. 7.

Captain Winslow to Rear-Admiral Sir L. Jones.

Sir,

"Kearsarge," off Queenstown, December 7, 1863.

I HAVE the honour to inform you that I came to off Queenstown for the purpose of landing sixteen refugees who had concealed themselves on board this ship, prior to her departure from Queenstown on the 5th of November.

I learn here that an attempt has been made to magnify this circumstance, for purposes unfriendly to the United States.

I have therefore given to the American Consul my certificate with a representation of the circumstances by the executive officer of this ship, and I have directed the Consul to hand you a copy of the same.

Very respectfully, &c.

(Signed) JOHN A. WINSLOW.

Inclosure 4 in No. 7.

Certificate.

I CERTIFY that the United States' steam-sloop "Kearsarge" arrived in Queenstown on the night of the 2nd of November, 1863, and that on the following day I left the ship for Cork; on my return to Queenstown, accompanied by the American Consul, I called upon the Admiral in command, and in the course of conversation reference was made to a paragraph in the papers, that the "Kearsarge" had come in for the purpose of enlisting men, when I informed the Admiral that I had received notice from the executive officer of the "Kearsarge" that many persons had applied to be shipped, and in response I had directed him to notify all persons that no enlistments would be made, and instructions were given in accordance.

On the night of the 5th November, 1863, while blowing heavy with thick rainy weather the "Kearsarge" went to sea.

On the following day report was made to me that several men had been discovered on board, and investigation showed that they had concealed themselves in the ship during the thick and rainy weather of the day or night previous, and disguised in this way proceeded in the ship, hoping to be enlisted in the service of the United States after she got to sea. The "Kearsarge" was on important duty watching the "Florida" at Brest, and it was therefore impracticable to return the men to Queenstown immediately. I directed the men to be held at Brest in apprehension if they were turned ashore they would join the "Florida," resolving as soon as the "Kearsarge" left Brest again to put them on shore at Cork. The "Kearsarge" left Brest again on the 5th December, 1863, and, in accordance with my resolution, I have this day sent sixteen men ashore in the pilot-boat "Petrel," with a list of their names as give to the American Consul.

(Signed)

J. A. WINSLOW, Captain.

"Kearsarge," off Queenstown, December 7, 1863.

Inclosure 5 in No. 7.

Lieutenant-Commander Thornton to Captain Winslow, U.S.N.

Sir,

"Kearsarge," off Cork Harbour, December 7, 1863.

I BEG leave to state, in accordance with your request, that on or about the 3rd November, 1863, several men from Queenstown came on board of this ship as applicants for enlistment in the naval service of the United States. In the absence of yourself, and of any definite instructions in regard to such applications, I told the men that if they were physically qualified for enlistment they might remain on board until your return, when you would decide. Upon your return, your instructions were not to enlist them; they were accordingly sent out of the ship.

Many applications of a similar nature were made, but their enlistment was in every case refused in accordance with your instructions.

During the time we were at anchor, the ship was surrounded by boats filled with men desiring to enlist; orders were given and executed not to allow them alongside.

On the evening of the 5th, this was the case until after dark, and until the ship was underweigh.

The ship went to sea on the evening of the 5th November; it was stormy and blowing hard. In accordance with the usual custom of the ship, and with the necessities of the case (as I thought) before tripping the anchor all strangers were ordered out of the ship; the Master of Arms, with the ship's corporal, and others of the police force executed the order; finding men stowed away in the hold, in the carpenter's locker, and elsewhere, these men were put out of the ship, in some cases by force. As soon as the ship was reported cleared, the anchor was tripped, and the ship went to sea.

On the next day several men were discovered who were strangers in the ship; these men, probably with the connivance of the crew, had been so securely concealed as to elude the vigilance of the police force. Upon receiving this information you decided to land these men at Brest, whither you were bound.

The men were sent out of the ship at Brest in accordance with this determination, but pleading destitution they returned and were permitted to remain on board until this morning, when they were landed in Queenstown by the pilot-boat "Petrel."

I would add that the names of these men upon their return to the ship while in Brest harbour were placed upon the ship's books for the purpose of their support and comfort, they being otherwise utterly destitute.

Very respectfully, &c.

(Signed)

JAS. S. THORNTON.

No. 8.

Mr. Hammond to Mr. Waddington.

Sir,

Foreign Office, December 12, 1863.

I AM directed by Earl Russell to transmit to you herewith, to be laid before Secretary Sir George Grey, copies of papers as marked in the margin* respecting the

* Nos. 1, 2, 3, 5, 8, and 9.

enlistment at Queenstown of various British subjects to serve on board the United States' steam-vessel of war the "Kearsarge."

The Law Officers are of opinion that the men who so enlisted on board the "Kearsarge" should be prosecuted under the Foreign Enlistment Act; and Lord Russell directs me to say that he is of opinion that such prosecution should be instituted as soon as sufficient evidence is collected to sustain it.

I am, &c.
(Signed) E. HAMMOND.

No. 9.

Mr. Adams to Earl Russell.—(Received December 14.)

*Legation of the United States, London,
December 14, 1863.*

My Lord,

IN reference to the note of the 30th November, which I had the honour to receive from you, respecting certain allegations made against the Commander of the steamer "Kearsarge," I now transmit the copy of a note addressed to the Consul by that officer. It would appear from this that he disavows all intention of violating the laws of this kingdom in enlisting men for the service of the United States. Whatever may have been done of this kind seems to have been carried on without his knowledge, and, when he discovered it he took prompt measures to rectify the error by returning to port and landing the men.

I beg leave to add that I have transmitted copies of all the papers connected with this subject for the consideration of my Government.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 9.

Captain Winslow, U.S.N., to Mr. Eastman, December 7, 1863.

[See Inclosure 2 in No. 7.]

No. 10.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, December 16, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, inclosing an extract of a letter dated the 4th instant, from Mr. Eastman, the United States' Consul at Cork, stating that he did not know of a single shipment of seamen on board of the United States' steamer "Kearsarge," nor of the hiring or engagement of any, and that he had no doubt that if any such shipments had taken place he should have had some information of it; and further, that from the positive assurance of the captain and his officers, he cannot believe that the captain or his officers did, during the stay of the vessel at Queenstown, commit the acts represented to Her Majesty's Government which formed the subject of my letter to you of the 30th of November, namely, the enlistment of men to serve on board the "Kearsarge."

With reference to this statement I think it right to inform you that a report dated December 7th has been received by the Board of Admiralty from the Port Admiral at Queenstown, stating that the "Kearsarge" had arrived off the harbour in the morning, and shortly afterwards fifteen seamen were landed from her in a pilot-boat. These seamen stated that they were shipped between the 2nd and 5th of November last, whilst the "Kearsarge" was windbound at Queenstown, and that they were regularly entered as part complement of the ship on arriving at Brest.

It appears, further, from the Admiral's report, that the Commander of the "Kearsarge" was perfectly aware of Her Majesty's Proclamation and of the Statute Law bearing on the point, and had a copy of the Proclamation in his possession; and that he had stated to the Admiral, in the presence of the United States' Consul, that he did not want any men, and only wanted a clerk.

The Admiral adds that on the morning of the 7th the United States' Consul Mr. Eastman, read to him a letter which he had received from the captain of the "Kearsarge," saying that a number of men were found secreted on board that vessel after her departure from Queenstown on the 5th of November, and that he would have landed them at Brest, but that doing so would have put them into the hands of the Confederate war-steamer "Florida," and that he now sent them on shore at Queens-town.

The discrepancies between the statements which I have thus recited, together with the statements set forth in my letter of the 30th of November and those which have been transmitted to you by the United States' Consul at Queenstown, will not fail to attract your attention, and will doubtless suggest to you the propriety of making still further inquiry from your own Consul as to the part taken by him in the enlistment of these men.

I am, &c.
(Signed) RUSSELL.

No. 11.

Mr. Bruce to Mr. Hammond.—(Received December 16.)

Sir, *Whitehall, December 16, 1863.*

I HAVE laid before Secretary Sir George Grey your letter of the 12th instant, and its inclosures, respecting the enlistment at Queenstown of British subjects to serve on board the United States' steam-vessel of war the "Kearsarge;" and I am to acquaint you, for the information of Earl Russell, that the papers have been forwarded to the Lord Lieutenant of Ireland, in order that his Excellency may, if he sees no objection, give the necessary directions for the prosecution of the men so enlisted under the Foreign Enlistment Act, in accordance with the opinion of the Law Officers of the Crown in this country.

I am, &c.
(Signed) H. A. BRUCE.

No. 12.

Earl Russell to Mr. Adams.

Sir, *Foreign Office, December 17, 1863.*

I HAVE the honour to acknowledge the receipt of your note of the 14th instant, respecting the seamen embarked on board the United States' steamer "Kearsarge" at Queenstown.

I am, &c.
(Signed) RUSSELL.

No. 13.

Mr. Hammond to Mr. Bruce.

Sir, *Foreign Office, December 17, 1863.*

WITH reference to my letter of the 12th instant, I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir George Grey, a copy of a further note from Mr. Adams,* inclosing a copy of a letter from the Captain of the United States' steamer "Kearsarge" respecting the seamen embarked on board that vessel at Queenstown.

I am, &c.
(Signed) E. HAMMOND.

NORTH AMERICA.
No. 7. (1864.)

Correspondence respecting the Enlistment of British
Seamen at Queenstown on board the United
States' ship of war "Kearsarge."

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON :

PRINTED BY HARRISON AND SONS.

NORTH AMERICA.

No. 8. (1864.)

CORRESPONDENCE

RESPECTING

RECRUITMENT IN IRELAND

FOR THE

MILITARY SERVICE OF THE UNITED STATES.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:

PRINTED BY HARRISON AND SONS.

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Correspondence respecting Recruitment in Ireland for the
Military Service of the United States.

No. 1.

Mr. Waddington to Mr. Hammond.—(Received January 20.)

(Extract.)

Whitehall, January 18, 1864.

I AM directed by Secretary Sir George Grey to transmit to you herewith, to be laid before Earl Russell, a copy of a letter which has been received from the Irish Government, relative to a man named P. H. Finney, who has recently arrived from America, whose object, there is reason to believe, is to enlist men for the American Army.

Inclosure in No. 1.

Sir J. Larcom to Mr. Waddington.

(Extract.)

Dublin Castle, January 13, 1864.

AS there appears reason to suppose that Finney's object is really to enlist men for the American army, though no proof of it has as yet been received, a strict watch will be kept on his movements.

No. 2.

Mr. Hammond to Mr. Waddington.

Sir,

Foreign Office, January 22, 1864.

I HAVE laid before Earl Russell your letter of the 18th instant respecting a man named P. H. Finney, who has recently arrived in Ireland from America, for the purpose, as there appears to be some reason to think, of enlisting men for service in the Federal Army, and I am to request that you will state to Secretary Sir George Grey that Lord Russell would suggest that the Home Office should consult the Law Officers of the Crown with regard to this matter.

I am, &c.

(Signed) E. HAMMOND.

No. 3.

Mr. Waddington to Mr. Hammond.—(Received January 24.)

(Extract.)

Whitehall, January 23, 1864.

REFERRING to the correspondence which has taken place respecting American agents employed in procuring emigrants from Ireland, I am directed by Secretary Sir George Grey to transmit to you a copy of a letter and its inclosures, which have been received through the Irish Government from Mr. Lock Perry, inquiring on behalf of Messrs. Sable and Searle, of Liverpool, whether they can ship passengers in the manner referred to in the inclosed correspondence, and whether they are bound to ship them back.

As Mr. Perry states that the American Minister is in communication with Her Majesty's Government on the subject, his letter is forwarded for the information of Earl Russell previously to returning any answer, and Mr. Perry has been informed that it has been so transmitted.

Reports respecting Finney's proceedings received from the Sub-Inspector of Constabulary at Galway are inclosed herewith.

Inclosure 1 in No. 3.

Mr. Perry to Sir J. A. Larcom.

Sir,

11, *Bachelor's Walk, Dublin, January 20, 1864.*

I BEG to inclose a copy of a letter received by Messrs. Sable and Searle of Liverpool, emigration agents, from their agent at Boston, together with copies of a proposed agreement to be entered into with intending emigrants, a letter from Mr. Finney, an agent appointed to bring out emigrants to America, and a copy of a letter from Messrs. Sable and Searle to myself.

I have respectfully to request you will inform me on behalf of my clients, Messrs. Sable and Searle, whether they can follow their legitimate trade of shipping passengers in manner referred to in the correspondence or not, or are they bound to ship them back.

I have been informed by the American Consul here that Mr. Adams, the American Minister, is in communication with the Government in London on the same subject.

I have, &c.

(Signed) JEREMIAH PERRY.

Inclosure 2 in No. 3.

Messrs. Page, Richardson, and Co., to Messrs. Sable and Searle.

*London and Liverpool Packet Office, 114, Slate Office,
Boston, December 16, 1863.*

Dear Sirs,

WE have a good prospect of making sure of a large number of passengers from Ireland to this port and Portland. There are a number of railroad companies and other corporations greatly in want of men to perform labour, and they have agreed with us to be responsible for the passage of a certain number of such able-bodied men as would be willing to work for them.

The bearer of this, Mr. Patrick H. Phinney, it has been thought best to send out to attend to the matter, and see that none but able-bodied men are taken,—men in good health, and who would not be likely to fall sick on their hands. Several hundred men are wanted, and we wish you to give your best efforts to aid Mr. Phinney in his enterprize, as all the passengers will be forwarded through your house. We would suggest that you forward a circular to each one of your agents in Ireland, to the effect that good men are wanted to agree to work for not less than twelve months, and that their passage will be advanced on condition that they bind themselves so to work.

We will be responsible to you (having taken security from the Corporations wanting the men) for the passage-money and for the inland ticket to the port of embarkation. If it shall be necessary you will make such arrangements with Mr. Phinney about issuing tickets as you may see fit.

Yours, &c.

(Signed) PAGE, RICHARDSON, & Co.

Inclosure 3 in No. 3.

Proposed Agreement.

WE, the Undersigned, hereby agree with Patrick H. Phinney, that in consideration of the said Patrick H. Phinney advancing the money necessary for the payment of our respective

passages to Boston, in the United States of America,—that we, each of us hereto signing our names (or making our marks in presence of witnesses), hereby agree with said P. H. Phinney, that we will on our arrival at Boston aforesaid, commence to labour for said Patrick H. Phinney or his assigns, either on the Charlestown Waterworks, in the City of Charlestown, or the Webster and Southbridge Railroad, in the employ of Wall and Lynch; or the Boston, Hartford, and Erie Railroad, in the employ of E. Crane, in the State of Massachusetts; or on the Pacific Railroad; or for the Bear Valley Coal Company, in the employ of George P. Sanger; or for the Franklin Coal Company, in the employ of E. C. Bates, in the State of Pennsylvania.

And we hereby agree that we will, each of us hereto signing as aforesaid, continue to labour and work to our best ability for the said P. H. Phinney, or his assigns, for the term of twelve months, from the date of our arrival in said Boston, for and at the rate of dollars per month, in addition to our board and lodging, which is to be furnished to us by the said P. H. Phinney.

And we each of us hereby agree that we will repay to said P. H. Phinney, or to his assigns, the amount which shall have been paid by the said P. H. Phinney, or his assigns, for each of our passages to Boston as aforesaid, and also those of us who shall have had our inland passages paid for us by the said P. H. Phinney, or any other advances which may have been made to us by the said P. H. Phinney, or that the same shall be deducted from or repaid from our wages first earned as aforesaid, and paid to said P. H. Phinney or his assigns by our employers.

It is understood that the wages aforesaid of each of us will commence within one week after our arrival in Boston, or as soon as we commence to work.

Names.	Where from.	Description.

Inclosure 4 in No. 3.

Mr. Finney to Messrs. Sable and Searle.

Sirs,

ANNEXED is a copy of the agreement which I purpose having signed by each man who I will approve of as a fit and proper person to be employed and sent to Boston.

I have already left a copy at your office in Liverpool, but which must have escaped from your observation.

Mr. Atkinson called upon Mr. Bates, but he was not at home, and his manager refused to give a pass until he laid the matter before the Board. I therefore request that you will write to the Company immediately and make the necessary arrangements for the transmission of those men I may select by the different railroads.

On account of this obstacle, as well as some other which has arisen I will not be able to send any men before the 29th instant; then I will have 150 good men selected to send by the vessel sailing on that date.

I was informed that the agreement between the men and I must be signed in the presence of the United States' Consul. I therefore called upon him, and he has written to the United States' Minister, London (Mr. Adams), so as to have everything satisfactorily arranged, as he would not like to act in the matter without first having communicated with Mr. Adams.

I think that the presence of either of you here would be very beneficial (I mean Mr. Sable), as the necessary arrangements would be much better disposed of, and wish you

would come at once, as it would be much better than writing, as you will see the matter requires your presence.

I am, &c.
(Signed) P. H. FINNEY.

Inclosure 5 in No. 3.

Messrs. Sable and Searle to Mr. Perry.

*Sable and Searle's American Passenger Offices. Atlantic
Royal Mail Steam-Navigation Company (Limited),
Passenger Department, 19, Water Street, Liverpool,
January 18, 1864.**

Dear Sir,

WE beg to inclose various documents concerning the engagement and shipping of a number of labourers from Ireland to Boston, United States. The inclosures are as follows : No. 1. Letter received from our Boston correspondents, in whom we placed implicit confidence that they would not engage us in any transaction contrary to law, or involve us or the companies for whom we act in any unpleasant position. No. 2 is a draft contract, which Mr. Finney (the Selecting Agent) intends to make with the labourers before he advances their passage-money.

We, as agents for the Galway and Derry Lines, are bound to get as many passengers as we can for the respective steamers, and as both lines carry Her Majesty's mails we do not like to subject them to a sudden seizure or even to detention for a single hour. Therefore we wish you to put this matter before the highest authority at the Castle in your city ; so that if, as we are sorry to see frequently is the case, any one evil disposed should give information that the men are intended for enlistment, a prompt and satisfactory denial may be given. Please to ascertain from Government whether we can follow our legitimate trade of shipping these passengers or not, or are we bound to ship them back ? If there be the slightest risk either to ourselves or the respective Companies, we will carry matters further in London, and stop in the meanwhile.

There should be no obstacle put in the way of Mr. Finney, as it is a blessing for the poor people to obtain employment, and the authorities should assist him by every means in their power.

Yours, &c.
(Signed) SABLE & SEARLE.

Inclosure 6 in No. 3.

Report.

Galway, January 12, 1864.

I HAVE to report that on this evening a man who gave his name as Mr. Feely, and who put up at a respectable hotel here, stated shortly after his arrival this evening publicly that he was commissioned by a company lately formed in America to employ a number of labourers who should bind themselves to him, and that he would give them a free passage to America, and give them a sum of money in hand ; he said that when he arranged as to whether he would convey them by the Atlantic Company Boats, or by a vessel which he would charter, that he would proceed to engage them. The man may have give utterance to the foregoing for the purpose of hoaxing the public ; however, I think it my duty to report the matter without loss of time. The next vessel which is advertised to sail from here is the "Hibernia" on the 19th instant.

Steps have been taken to watch the man's movements, which shall be reported in due course.

(Signed) _____, *Sub-Inspector Constabulary.*

* Offices :—Dublin, 56, Sackville Street ; Liverpool, 19, Water Street, and 13, Regent Street ; Galway, Eyre Square ; Londonderry, Foyle Street ; Queenstown, Quay ; New York, 23, Broadway ; Boston, Broad Street.

Inclosure 7 in No. 3.

*Report.**Galway, January 15, 1864.*

WITH reference to my report of the 12th instant, relative to a person who stated publicly here on that date that he was commissioned to employ a number of labourers to work on railways in America, I have to state that I went to the house of the booking agent of the Atlantic Mail Company, and was informed that Mr. Feely, the person above alluded to, had been with him to arrange as to the conveying of the persons he is about to hire to Boston, and that he had shown him all his papers; he stated that he had been commissioned by two railway companies to hire 1000 men, and that he had been at Loughrea, his native place, and had shown his papers to the Marquis of Clanricarde, who was quite satisfied with them. Mr. Ennis, the agent, stated that Feely had gone to Liverpool to have an interview with the head agent, and that the labourers were not to be sent by the next vessel which goes to New York, but are to wait for the sailing of the "Adriatic" which is advertised to leave here for Boston on the 2nd proximo. About 120 persons made application at the office to-day and yesterday, and signified their intention of agreeing to the terms offered by Mr. Feely, which is to bind themselves to work on the railway for a certain period, and to repay their employers 1*l.* which is to be advanced together with their passage fare.

(Signed) _____, *Sub-Inspector, Constabulary.*

No. 4.

Mr. Hammond to Mr. Waddington.

Sir, *Foreign Office, January 26, 1864.*
 I AM directed by Earl Russell to return to you the papers inclosed in your letter of the 23rd instant, respecting the proposed shipment of British subjects to the United States by Messrs. Sable and Searle, and I am to request that you will state to Secretary Sir George Grey that no communication has been made to his Lordship on the subject by Mr. Adams.

I am, &c.
 (Signed) E. HAMMOND.

No. 5.

Mr. Waddington to Mr. Hammond.—(Received February 3.)

(Extract.) *Whitehall, February 2, 1864.*

REFERRING to the correspondence which has already taken place relating to foreign enlistment, I am directed by Secretary Sir George Grey to transmit to you a newspaper containing a report of the proceedings at the Police-office, Exchange Court.

And I am to request that you will lay the same before Earl Russell, and inform his Lordship that the case has been directed by the Lord Lieutenant to be submitted to the Law Officers of the Crown for their consideration.

Inclosure in No. 5.

Newspaper Extract.

HEAD POLICE-OFFICE.—ENLISTMENT FOR THE AMERICAN SERVICE.—(Before Mr. Allen.)—Yesterday Patrick H. Finney was summoned by William Pike for refusing to pay him 3*l.* 7*s.* 9*d.* wages.

Mr. McKenna appeared for the defendant.

The complainant stated that he was a painter by trade, and last worked with Mr. Marsh, of Omagh. He claimed the wages for writing and circulating through the town for Finney that he had come here for the purpose of taking out 3,000 emigrants to America to work on railways, &c. Witness acted along with two other persons named Hynes and Byrne. The agreement was, that they were to work for Finney and for no other person, and that he would pay better than any one else in Ireland could or would. Finney went to Galway, and after he returned, witness showed him names of persons. Finney said that not more than 200 of those would suit.

Mr. Allen—How did you get introduced to Finney?

Witness—I was in Saunders's "News-Letter" office, and was told by a party present that Finney was in the London Hotel for the purpose; the witness further said that he went to the hotel and asked Finney the terms, Hynes and Byrne being present; told him he could get him plenty of men. Finney did not name any sum; he said he would take them in a steamboat from Galway to Boston; the emigrants were to get a free passage, but were to repay the passage money afterwards. The only other person present at that interview was the wife of the hotel-keeper. Witness procured him about 365 names altogether. Finney, after his return from Galway, said he wanted tip-top men; he did not say how many of the persons witness did get would suit him, but said he would see about it; witness saw money with him, and got 8s. 6d. from him at different times. Afterwards Finney showed him the bounty that was being given for the American army, and from some conversation with him he believed that was the purpose for which he wanted the men; Finney said he conceived they would all join the army when they saw the amount of wages and the bounty that were being given; witness called on him for a settlement at different times.

Mr. Allen—You were not going to America yourself?

Witness—No. I don't intend to go. I have been there before.

Mr. McKenna—You did not intend to go?

Witness—At first I did; he said he came here to give the people bread, but from the conversation I heard afterwards, I thought it was lead he wanted to give them.

To Mr. McKenna—I wrote letters for him, and a copy of the agreement that the men were to sign; I wrote one letter to Sable and Searle, of Liverpool, by his direction; I wrote it in his name; I wrote a copy of the agreement for him on the Monday he went to the Park. The substance of the agreement was that the undersigned, in consideration of Finney advancing them various sums of money, would proceed to Boston, in the United States, and agreed to work in the Charleston Waterworks, in the city of Charleston, for the Barr Valley and the Franklin Coal Companies, for the Boston and Hartford Railway, &c. At first Finney said he would pay witness and others better than any one else could for their trouble, but later in the evening he said he would give them 2s. a man for every man they got.

Mr. Allen—Were you to get anything else?

Witness—Yes, I was to get a free passage and a position in America.

The witness said, in reply to the defendant's attorney, that on different occasions he brought Finney able-bodied stout men, and not a mere list of names; brought him more than twenty, and he said, "All right, that will do." Finney showed him that the soldier's pay was equal to 40l. a-year; that the Government city bounty was 85 dollars; and that, on the whole, the person accepting the engagement would have 140l. to his credit at the end of the year.

Mr. Allen—Did you get it from his own mouth?

Witness—I did, when there was no other person present, in the little parlour in the hotel in D'Olier-street; he calculated it on paper at the table, but took the calculations away with him. The memorandum now produced is my own.

Mr. McKenna submitted that if there had been an enlistment for foreign service the plaintiff could not recover his demand.

Witness—He was talking about the army; he said, "You see the difference, it is a far better place than Ireland; we can't hold them if they go into the army, but we can hold them if they attempt to work for any one else;" he did not say he wanted them for the army, but he showed the difference.

Mr. Allen—I am afraid I cannot give you anything. According to your own statement, this gentleman came to you to agree with him to get recruits from Galway and different places for the American army. Now, to raise troops in that manner here is illegal; and no one can get any compensation for doing what is contrary to law—in fact, the only recompense you can get here is punishment. I dismiss the case.

The defendant said he got his agreement examined by Lord Duncannon.

The complainant, in reply to Mr. Allen, said he did not know what became of the men he did get.

[It is almost unnecessary to say that the conversation referred to by the witness in the above case as having taken place in Saunders's "News-Letter" office, must have passed between him and some reader of our advertising sheet in the outer office.]

No. 6.

Sir F. Rogers to Mr. Hammond, — (Received February 10.)

Sir,

Downing Street, February 10, 1864.

I AM directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, as bearing on the question of foreign enlistment, a copy of a letter from the Colonial Land and Emigration Commissioners, forwarding the usual Return of the emigration from the United Kingdom for the quarter and for the year ended 31st December, 1863.

By the annexed Tables it appears that in the three years preceding 1862 (in which the effects of the recruitment may have begun to be sensible) the emigration to the United States was composed as follows:—

Single men ..	..	..	..	..	..	65,883
Others ..	..	..	..	..	..	141,734
Total ..						207,567

The proportion of single men to others was therefore 46·4 to 100.

In 1863 the number of persons other than single men who emigrated was 93,783.

If the normal proportion of 46·4 to 100 had been preserved in 1863 the number of single men would have been about 43,476. It was actually 53,030. That is the emigration of single men was about 10,000 more than the experience of the three years preceding 1862 would have led us to expect.

This furnishes a faint ground for conjecturing that recruitment may have gone on to about that extent.

I am, &c.
(Signed) **FREDERIC ROGERS.**

Inclosure 1 in No. 6.

Mr. Murdoch to Sir F. Rogers.

Sir,

Emigration Board, January 23, 1864.

I TRANSMIT herewith, for the information of his Grace the Duke of Newcastle, a Return of the emigration from the United Kingdom for the quarter and for the year ended 31st December, 1863.

2. I also inclose a Return distinguishing the sexes of the emigrants and adults from children, and exhibiting, so far as can be ascertained from the passenger lists furnished by the Custom-house authorities, the trade, occupation, or profession of the adults.

3. As much attention has recently been attracted to the emigration from Ireland to the United States, and to the probability that a portion of the emigrants go with the intention of enlisting, I add a Table showing the numbers of single men and of Irish who have emigrated to the United States during the last five years, and the proportion they bear to the whole emigration of those years respectively. What is the exact number of Irish among the single men it would not be possible without much trouble to ascertain; but as the Irish constitute nearly two-thirds of the whole emigration to the United States, it may fairly be assumed that they constitute an equal proportion of the single men. This would give something more than 35,000 Irish single men.

4. The proportion both of the single men and of the Irish was larger in 1863 than in any of the preceding four years, though not to such an extent as to justify the assumption that any great effect is attributable to the temptations offered to recruits. It is more probable that the high wages now prevailing in the United States, as contrasted with the distress existing in Ireland, is the inducement which has led so many emigrants from that country to America. The number of Irish who have gone to other countries is 21,914; but the largeness of the number to the United States, as compared with the

number to all other countries, is to be accounted for by the large remittances sent home by Irish emigrants already settled in the States to assist their friends at home, and the consequent facility in reaching that country as compared with other countries.

I have, &c.
(Signed) T. W. C. MURDOCH.

Inclosure 2 in No. 6.

RETURN of the Emigration from the United Kingdom to all parts of the World during the Year 1863, distinguishing Adults, Children, and Infants, also the Sexes; and showing the Trade, Occupation, or Profession of the Adults as far as can be ascertained from the Passenger Lists furnished by the Custom-house authorities.

Destination.	Description of Emigrants embarked.										Native Country of Emigrants.					
	Adults.				Children 1 to 12 Years.		Infants.		Not distinguished as to Age.		Total.	English.	Scotch.	Irish.	Foreigners.	Not distinguished.
	Married.		Single.													
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	English.	Scotch.	Irish.	Foreigners.	Not distinguished.	
United States ...	12,319	15,576	53,030	31,703	10,088	9,598	3,082	2,962	5,504	2,951	146,813	32,570	3,481	94,477	5,820	10,465
British North America ...	1,169	1,372	3,007	1,739	1,268	1,130	273	213	4,932	2,980	18,063	2,550	3,168	3,947	418	8,000
Australasia ...	5,908	6,515	19,010	11,451	4,223	3,949	817	787	343	51	53,054	24,654	8,113	17,390	918	1,979
All other Places ...	591	418	1,427	428	216	175	26	37	2,247	243	5,808	1,469	468	577	677	2,617
Total ...	19,987	23,881	76,474	45,321	15,795	14,852	4,198	3,999	13,026	6,225	223,758	61,243	15,230	116,391	7,833	23,061

Occupation.	United States.	British North America.	Australasia.	All other Places.	Total.
ADULT MALES.					
Agricultural labourers, gardeners, carters, &c. ..	121	143	1,908	70	2,242
Bakers ..	371	13	80	5	469
Blacksmiths and farriers ..	82	14	142	9	247
Bookbinders and stationers ..	20	6	5	1	32
Boot and shoe-makers ..	348	24	141	4	517
Braziers, tinsmiths, whitesmiths, &c. ..	238	8	19	1	266
Brick and tile-makers, potters, &c. ..	7	1	25	1	34
Bricklayers, masons, plasterers, slaters, &c. ..	1,156	22	160	3	1,341
Builders ..	32	1	17	1	51
Butchers, poulterers, &c. ..	102	9	55	3	169
Cabinet-makers and upholsterers ..	30	2	30	1	63
Carpenters and joiners ..	1,206	91	491	16	1,804
Carvers and gilders ..	21	4	5	..	30
Clerks ..	376	92	247	77	792
Clock and watch-makers ..	70	..	18	2	90
Coach-makers and trimmers ..	6	1	11	..	18
Coal-miners ..	27	2	14	2	45
Coopers ..	124	8	16	2	150
Cutlers ..	85	1	6	..	92
Domestic servants ..	158	15	71	2	246
Dyers ..	14	2	7	..	23
Engravers ..	51	..	8	..	59
Engineers ..	276	26	92	39	433
Farmers ..	6,555	717	1,530	115	8,917
Gentlemen, professional men, merchants, &c. ..	890	174	1,132	319	2,515
Jewellers and silversmiths ..	3	1	13	..	17
Labourers, general ..	40,386	1,493	13,932	165	55,976
Locksmiths, gunsmiths, &c. ..	19	1	3	..	23
Millers, malsters, &c. ..	184	6	27	..	217
Millwrights ..	11	1	19	2	33
Miners and quarrymen ..	2,454	256	486	24	3,220
Painters, paper-hangers, plumbers, and glaziers ..	433	5	76	6	520
Pensioners ..	20	10	9	1	40
Printers ..	100	8	48	4	160
Rope-makers ..	3	..	4	..	7
Saddlers and harness-makers ..	43	1	23	3	70
Sail-makers ..	5	..	6	..	11
Sawyers ..	16	16	31	..	63
Seamen ..	269	49	71	3	392
Shipwrights ..	15	8	13	2	38
Shopkeepers ..	446	53	596	21	1,116
Smiths, general ..	727	6	75	1	809
Spinners and weavers ..	1,518	332	234	2	2,086
Sugar-bakers, boilers, &c. ..	46	..	22	..	68

Occupation.	United States.	British North America.	Australasia.	All other Places.	Total.
Surveyors	..	..	15	2	17
Tailors	752	32	51	3	838
Tallow-chandlers and soap-makers ..	13	..	..	..	13
Tanners and curriers	50	1	9	2	62
Turners	13	3	6	1	23
Wheelwrights	44	..	26	1	71
Woolcombers and sorters	5	..	4	..	9
Other mechanics not before specified ..	2,130	60	104	22	2,316
Not distinguished	3,278	453	2,785	1,080	7,601
ADULT FEMALES.					
Domestic and farm servants, nurses, &c.	13,968	433	5,249	33	19,683
Gentlewomen and Governesses	74	37	110	28	249
Milliners, dress-makers, needle-women	967	28	113	5	1,113
Married women	15,576	1,372	6,515	418	23,881
Shopwomen	3	1	1	..	5
Mechanics not before specified	53	26	129	..	208
Not distinguished	16,638	1,214	5,849	362	24,063
CHILDREN.					
Male children, 1 to 12 years	10,088	1,268	4,223	216	15,795
Female ditto	9,598	1,130	3,949	175	14,852
Infants	6,044	486	1,604	63	8,197
Not distinguished as to age	8,455	7,912	391	2,490	19,251
Grand Total	146,813	18,083	53,054	5,808	223,758

Inclosure 3 in No. 6.

RETURN of the Emigration to the United States during the Years 1859, 1860, 1861, 1862, and 1863.

Year.	Total Emigration.	Emigration to the United States.		Single Men to the United States.		Irish Emigration to the United States.	
		Numbers.	Proportion.	Numbers.	Proportion.	Numbers.	Proportion.
1859	120,432	70,303	58·37	22,927	32·61	41,180	58·57
1860	128,469	87,500	68·10	27,547	31·48	52,103	59·54
1861	91,770	49,764	54·22	15,359	30·86	28,209	56·68
1862	121,214	58,706	48·43	19,398	33·04	33,521	57·09
1863	223,758	146,813	65·61	53,030	36·12	94,477	64·35

Inclosure 4 in No. 6.

RETURN of Emigration from Ports in the United Kingdom at which there are Government Emigration Officers, for the Quarter ended 31st December, 1863.

Port of Departure.	United States.	British North America.	Australian Colonies.	All other Places.	Total.
Liverpool	20,505	724	4,208	402	25,839
London	456	6	3,941	793	5,196
Plymouth	..	..	1,442	..	1,442
Southampton	..	..	649	1,368	2,017
Total England	20,961	730	10,240	2,563	34,494
Glasgow and Greenock (Being the total from Scotland.)	326	253	357	67	1,003
Cork	4,728	211	..	..	4,939
Galway	1,897	..	..	..	1,897
.. .. .	..	..	..	..	..
Londonderry	374	416	..	..	790
Tralee	..	..	..	..	..
Total Ireland	6,999	627	..	..	7,626
Grand Total	28,286	1,610	10,597	2,630	43,123

TABLE showing the Origin of the Emigrants comprised in the above Emigration.

Destination.	English.	Scotch.	Irish.	Foreigners.	Not distinguished.	Total.
United States	7,945	1,036	16,143	1,742	1,420	28,286
North American Colonies	498	242	651	169	50	1,610
Australian Colonies	5,077	1,539	3,683	233	65	10,597
All other Places	1,059	233	221	568	549	2,630
Total	14,579	3,050	20,698	2,712	2,084	43,123

EMIGRATION for the under-mentioned Periods from those Ports of the United Kingdom at which there are Emigration Officers.

From Liverpool.

Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.	Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.
1847	20,028	14	3	176	20,221	1856	18,647	558	8,855	125	28,185
1848	34,155	35	112	531	34,833	1857	13,411	283	6,614	79	20,387
1849	31,836	21	211	266	32,334	1858	8,734	290	4,777	551	14,352
1850	44,555	56	344	294	45,249	1859	8,760	540	4,274	1,430	15,004
1851	41,307	318	423	632	42,680	1860	10,985	770	2,489	333	14,577
1852	33,079	14	8,095	129	41,317	1861	4,297	852	3,742	346	9,237
1853	32,831	619	4,094	188	37,732	1862	7,881	712	3,276	212	12,081
1854	25,308	169	9,468	92	35,037	1863	20,505	724	4,208	402	25,839
1855	14,506	39	3,112	151	17,808						

From London, Plymouth, and Southampton.*

Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.	Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.
1847	1,412	10	1,836	1,088	4,346	1856	1,708	352	7,669	1,149	10,878
1848	8,927	8	8,151	852	10,938	1857	1,537	..	5,225	641	7,403
1849	1,092	73	6,859	1,487	9,511	1858	385	11	4,446	573	5,415
1850	1,689	137	2,957	1,201	5,984	1859	680	..	2,385	3,632	6,697
1851	2,867	10	6,100	635	9,612	1860	743	12	2,633	1,401	4,789
1852	3,091	5	10,182	720	13,998	1861	239	7	4,075	1,072	5,393
1853	4,094	..	8,193	438	12,725	1862	171	23	6,751	748	7,693
1854	3,153	10	11,699	501	15,363	1863	456	6	6,032	2,161	8,655
1855	1,222	..	4,159	541	5,922						

From Scotch Ports.

Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.	Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.
1847	257	9	248	66	580	1856	658	..	314	58	1,030
1848	1,185	3	62	34	1,284	1857	452	..	351	76	879
1849	3,298	..	..	..	3,298	1858	378	..	52	52	482
1850	1,775	8	62	58	1,903	1859	248	35	617	56	956
1851	1,199	7	237	81	1,524	1860	144	31	458	69	702
1852	702	5	813	57	1,577	1861	33	84	366	69	552
1853	1,135	..	631	29	1,795	1862	169	316	1,252	73	1,810
1854	717	..	327	56	1,100	1863	326	253	357	67	1,003
1855	139	..	58	36	233						

* The Emigration from Southampton is not included until the year 1853.

From Irish Ports.

Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.	Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.
1847	500	473	..	..	973	1856	106	..	9	116	231
1848	7,250	..	..	4	7,254	1857	..	3	..	1	4
1849	851	..	195	182	1,138	1858	460	4	..	6	470
1850	3,836	..	..	..	3,836	1859	1,429	32	..	..	1,461
1851	6,694	2,953	..	..	9,647	1860	3,053	895	14	..	3,962
1852	2,059	..	..	10	2,069	1861	1,129	248	..	..	1,377
1853	2,052	4	..	375	2,431	1862	2,355	575	770	..	3,700
1854	769	..	307	..	1,076	1863	6,999	627	..	..	7,626
1855	244	..	..	..	244						

Total from Emigration Officers' Stations in the United Kingdom.

Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.	Quarter ended 31st December.	United States.	British North America.	Australian Colonies.	All other Places.	Total.
1847	22,197	506	2,087	1,330	26,120	1856	21,119	910	16,847	1,448	40,324
1848	44,517	46	8,325	1,421	54,309	1857	15,400	286	12,190	797	28,673
1849	37,077	94	7,175	1,935	46,281	1858	9,957	305	9,275	1,182	20,719
1850	51,355	201	3,363	1,553	56,972	1859	11,117	607	7,276	5,118	24,118
1851	52,067	3,288	6,760	1,348	63,463	1860	14,925	1,708	5,594	1,803	24,030
1852	38,931	24	19,090	916	58,961	1861	5,698	1,191	8,183	1,487	16,559
1853	40,112	623	12,918	1,030	54,683	1862	10,576	1,626	12,049	1,033	25,284
1854	29,947	179	21,801	649	52,576	1863	28,286	1,610	10,597	2,630	43,123
1855	16,111	39	7,329	728	24,207						

Inclosure 5 in No. 6.

RETURN of Emigration from the United Kingdom for the Year 1863.

Port of Departure.	United States.	British North America.	Australian Colonies.	All other Places.	Total.
Liverpool	109,113	7,912	19,672	1,102	137,799
London	4,082	240	18,248	2,901	25,466
Plymouth	..	150	7,650	..	7,800
Southampton	..	..	2,580	1,368	3,948
Total England from ports at which there are Emigration Officers	113,195	8,302	48,145	5,371	175,013
Total from all other Ports	40	39	58	59	196
Total England	113,235	8,341	48,203	5,430	175,209
Glasgow and Greenock	379	4,036	3,235	240	7,890
Total Scotland from ports at which there are Emigration Officers	379	4,036	3,235	240	7,890
Total from all other ports	..	..	40	1	41
Total Scotland	379	4,036	3,275	241	7,931
Cork	25,540	1,037	1,576	..	28,153
Galway	3,437	134	..	..	3,571
Limerick	..	188	..	..	188
Londonderry	3,567	4,157	..	..	7,724
Total Ireland from ports at which there are Emigration Officers	32,544	5,516	1,576	..	39,636
Total from all other ports	655	190	..	137	982
Total Ireland	33,199	5,706	1,576	137	40,618
Total from ports at which there are Emigration Officers	146,118	17,854	52,956	5,611	222,539
Total from all other ports	695	229	98	197	1,219
Grand Total United Kingdom	146,813	18,083	53,054	5,808	223,758

TABLE showing the Origin of the Emigrants comprised in the above Emigration.

Destination.	English.	Scotch.	Irish.	Foreigners.	Not dis- guished.	Total.
United States	32,570	3,481	94,477	5,820	10,465	146,813
North American Colonies ..	2,550	3,168	3,947	418	8,000	18,083
Australian Colonies ..	24,654	8,113	17,390	918	1,979	53,054
All other Places	1,469	468	577	677	2,617	5,808
Total	61,243	15,230	116,391	7,833	23,061	223,758

No. 7.

Mr. Waddington to Mr. Hammond.—(Received February 15.)

Sir, Whitehall, February , 1864.
 I AM directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, as bearing on the question of Foreign Enlistment, a copy of a letter from the Colonial Office, forwarding a copy of a communication from the Colonial Land and Emigration Commissioners, with Tables annexed.

I am, &c.
 (Signed) H. WADDINGTON.

Inclosure 1 in No. 7.

Sir F. Rogers to Mr. Waddington.

Sir, Downing Street, February 10, 1864.
 I AM directed by the Duke of Newcastle to transmit to you for the information of Secretary Sir George Grey, as bearing on the question of Foreign Enlistment, a copy of a letter from the Colonial Land and Emigration Commissioners, forwarding the usual Return of the emigration from the United Kingdom for the quarter and for the year ended 31st December, 1864.

By the annexed Tables it appears that in the three years preceding 1862 (in which the effects of the recruitment may have begun to be sensible), the emigration to the United States was composed as follows:—

Single men	65,833
Others	141,734
Total	207,567

The proportion of single men to others was therefore 46·4 to 100.

In 1863 the number of persons other than single men who emigrated was 93,783.

If the normal proportion of 46·4 to 100 had been preserved in 1863, the number of single men would have been about 43·476. It was actually 53,030. That is, the emigration of single men was about 10,000 more than the experience of the three years preceding 1862 would have led us to expect. This furnishes a faint ground for conjecturing that recruitment may have gone on to about that extent.

I am, &c.
 (Signed) FREDERIC ROGERS

Inclosure 2 in No. 7.

Mr. Murdoch to Sir F. Rogers, January 23, 1864.

[See Inclosure 1 in No. 6.]

Inclosure 3 in No. 7.

Emigration Returns.

[See Inclosures 2, 3, 4, and 5 in No. 6.]

No. 8.

Mr. Waddington to Mr. Hammond.—(Received February 19.)

(Extract.)

Whitehall, February 19, 1864.

REFERRING to the previous correspondence relative to an alleged breach of the Foreign Enlistment Act by Mr. Patrick H. Finney, I am directed by Secretary Sir George Grey to acquaint you, for the information of Earl Russell, that the papers in the case having been laid before the Law Officers of the Crown in Ireland, they delivered an opinion, dated the 2nd instant. The Crown Solicitor having been instructed to act upon that opinion with regard to procuring further evidence from the witness William Pike, obtained from him a statement in writing, which has also been submitted to the Law Officers, who are of opinion that the evidence would not be sufficient to sustain a prosecution.

I am, &c.

(Signed) H. WADDINGTON.

No. 9.

Mr. Waddington to Mr. Hammond.—(Received February 27.)

Sir,

Whitehall, February 26, 1864.

REFERRING to the correspondence which has taken place on the subject of recruiting in Ireland for the Federal Government of America, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, a copy of a report received by the Irish Government from the Commissioner of the Dublin Police, describing the embarkation of the first party of emigrants despatched by the agency of P. J. Finney.

I am, &c.

(Signed) H. WADDINGTON.

Inclosure in No. 9.

*Report.**Dublin Metropolitan Police, February 23, 1864.*

I BEG to state that I find that P. J. Finney procured an office in the back-room of a cottage in Guild Street in this city, where a number of young men assembled on yesterday, forty-three of whom received dockets from him which they subsequently presented to the Office of Mr. Delany, 13, North Wall, where they were furnished with tickets to proceed to Liverpool by the "Trafalgar" steamer which sailed from North Wall on last evening. On their arrival in Liverpool they will embark in one of the Oriental Steam Company's vessels, and be forwarded to Boston per arrangement made by Messrs. Sable and Searle, Shipping Agents, Water Street, Liverpool.

It is said that about the same number will leave per this evening's steamer. They are engaged, as it is said, to work upon railways, &c., and all are of the labouring class, and strong athletic young men.

(Signed) DANIEL RYAN, *Superintendent.*

Submitted.

(Signed) J. L. O. FERRALL.

February 23, 1864.

No. 10.

Mr. Waddington to Mr. Hammond.—(Received March 1.)

Sir,

Whitehall, February 29, 1864.

WITH reference to the previous correspondence on the same subject, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, a copy of a report which has been received by the Irish Government from the Dublin Police respecting the embarkation of fifty-five young men by the agency of P. J. Finney.

I am, &c.

(Signed) H. WADDINGTON.

Inclosure in No. 10.

Report.

*Dublin Metropolitan Police, Superintendent's Office,
G Division, February 24, 1864.*

REFERRING to my report of yesterday respecting P. J. Finney, I beg to state that fifty-five young men of the class therein described left this city on yesterday evening per steamer for Liverpool. It is said that the vessel which shall convey them to Boston shall sail from Liverpool on to-morrow.

(Signed) DANIEL RYAN, *Superintendent.*

The Commissioners of Police.

Submitted.

J. L. O'FERRALL.

February 21, 1864.

NORTH AMERICA.

No. 8. (1864.)

Correspondence respecting Recruitment in Ireland
for the Military Service of the United States.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS

547

NORTH AMERICA.

No. 9. (1864.)

PAPERS

RELATING TO THE

SEIZURE OF THE UNITED STATES' STEAMER

“CHESAPEAKE.”

Presented to the House of Lords by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

[3308]

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Papers relating to the Seizure of the United States' Steamer "Chesapeake."

No. 1.

Lord Lyons to Earl Russell.—(Received December 22.)

My Lord,

Washington, December 11, 1863.

THE inclosed extract from the "New York Herald" of yesterday will make your Lordship acquainted with the intelligence which has been received here of the seizure of an American steamer the "Chesapeake," plying between New York and Portland, by a party of men who embarked as passengers at New York. The master and crew appear to have been landed at Partridge Island at the entrance of the harbour of St. John, New Brunswick.

I have not had any communication with the United States' Government about this affair, nor have I received any intelligence concerning it except that contained in newspapers.

I have, &c.
(Signed) LYONS.

Inclosure in No. 1.

Extract from the "New York Herald" of December 10, 1863.

**MURDER AND PIRACY. CAPTURE OF THE STEAMER "CHESAPEAKE," OF NEW YORK, BY
REBEL PASSENGERS.**

St. John's, New Brunswick, December 9, 1863.

THE steamer "Chesapeake," Captain Willetts, from New York for Portland, Maine, was taken possession of on Monday morning last, between 1 and 2 o'clock, by sixteen rebel passengers.

The second engineer of the steamer was shot dead and his body thrown overboard.

The first engineer was shot in the chin, but was retained on board.

The first mate was badly wounded in the groin.

Eleven or twelve shots were fired at the captain.

After being overpowered, the captain was put into irons, and the passengers were notified that they were prisoners of war to the Confederate States of America.

The steamer came to off Partridge Island, at about 1 o'clock this morning.

The crew and passengers, except the first engineer, were put on board a boat and sent to this city.

The steamer then sailed in an easterly direction, and was subsequently seen alongside another vessel. It is supposed that she took on board a supply of coal from her.

The attack took place about twenty-one miles east of Cape Cod.

Captain Willetts and the passengers per the "Chesapeake" are now at the Mansion House.

The steamer and cargo were valued at \$150,000.

The steamer sailed from New York on Saturday at 4 o'clock P.M., and was one of the regular line plying between New York and Portland.

It will be recollected that it was the "Chesapeake" that captured Captain Reed and his party when they attempted to run away with the cutter "Cushing" from the harbour of Portland.

The following telegraphic despatch was received by Mr. Cromwell:—

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"H. B. Cromwell & Co.

"Portland, December 9, 1863.

"Steamer 'Chesapeake' was captured twenty-one miles north-north-east off Cape Cod, at $\frac{1}{2}$ past 1 A.M., on Monday, by rebels, who left New York as passengers. Second engineer killed and thrown overboard. Chief engineer and mate wounded.

"Captain Willetts and crew were landed at St. John this morning.

"From United States' Consul, St. John's."

"Portland, Maine, December 9, 1863

"Deputy Collector Bird has applied to the Washington authorities for permission to despatch the 'Agawam,' the new gun-boat now furnishing here, after the 'Chesapeake,' and, in the mean time, the Collector is fitting her out with guns, men, and provisions. Two detachments of soldiers have been furnished for the expedition by Brigadier-General Rowley, from the Conscript Camp, and Major Andrews from Port Preble. She will sail about 6 o'clock this evening, under command of Captain Webster, of the revenue cutter 'Dobbin.' Citizens are volunteering as crew."

Additional Details.

The public were thrown into a fever of excitement yesterday by the above telegrams announcing that a party of pirates, who embarked as passengers on board the steamer "Chesapeake," had captured her after some resistance by the officers, about twenty-one miles west of Cape Cod. The boldness of the affair was a theme of universal conversation, and a large number of persons interested in the passenger list and cargo immediately sought the office of the owners, H. B. Cromwell & Co., to learn further of the particulars. Marshal Murray was notified early, and took possession of the passenger list, with a view to further the ends of justice.

From all we can learn there were only seven passengers who purchased passage tickets for Portland, Maine, while a dozen or more persons, dressed shabbily, some as returned soldiers, went on board and purchased their tickets of the clerk of the boat. This not being an unfrequent method of doing business, of course would not create any suspicions either in the mind of the clerk or captain. Among the seven passengers who obtained their tickets at the office was one person who stated to the clerk that he was an old sea-captain, and preferred this mode of reaching Portland on account of its being the pleasantest and cheapest. Before she started some fifteen persons were counted on her deck; but even at the office nothing was thought of it.

She was full of freight, consisting of cotton, rags, provisions and general merchandise. She only carries about thirty tons of coal, which is enough to last her for the round trip, and had not more than three days' coal at the time of her capture, so that the rebels cannot go very far with her. She carried two guns, six-pounders, one brass and the other iron, several revolvers, and some other firearms.

It is not known whether there was any powder on board, but it is supposed there was not much. Her sails are small and cannot be depended upon. There was no war risk, and the value of the vessel is over 60,000 dollars. It is not known whether the cargo was insured. The captain is expected to arrive here to-day, and then the full particulars will be obtained.

The steam-propeller "Chesapeake" was owned by H. B. Cromwell, of this city, and was a splendid vessel in every respect. She was built in 1853, by J. A. Westervelt, was 460 tons burthen, and eleven feet draft of water, built of oak, schooner-rigged, and had a direct acting engine of 200 horse-power, one cylinder of forty inches, and forty-two inch piston. She has always been a popular boat on this route, and was the vessel which chased Captain Reid, of the "Tacony," at the time of his famous foray in Portland Harbour, June 27, and succeeded in capturing his vessel, the schooner "Archer."

The "Chesapeake" carried a crew of about twenty persons, who were, no doubt, so scattered throughout the vessel that they did not have time to collect and retain possession of the steamer. The officers no doubt made a desperate resistance, as the second engineer, Mr. Orin Schaffer, was shot dead and his body thrown overboard; and the chief officer and chief engineer were wounded.

The following is a list of her officers and crew:—Captain—Isaac Willetts; Mate—Chas. Johnson, wounded; Second Mate—Daniel Henderson; Engineers—First, James Johnson, wounded; Second, Orin Schaffer, killed; Third, August Strebeck; Firemen—Patrick Conner, R. Tracey, John Murphy; Seamen—Albion Alsen, Thos. Hudson, Peter Westerman, David Hopkins; Steward—P. Kelly; Stewardess—Jenny Borguine; Cook—A. Peterson; Waiters—Peter Whalen, and two or three others.

The capture was made at half-past 1 o'clock on Monday morning, when there was

only one-half of the crew on duty, the others being below asleep. Mr. Schaffer, the Second Assistant Engineer, was, no doubt, on watch, and probably lost his life while endeavouring to protect the property of his employers, and vindicate the honour of his flag. He has been a long time in the employ of this line, and has always won the respect and esteem of his employers. He was a young man and leaves a wife and children. The captain was probably asleep, as it was midnight, and the task of capturing the vessel was an easy one, when confided to the hands of the dozen or more villains who had matured their hellish plans.

There are grounds for supposing that these murdering pirates intend running the blockade with their prize, as it has been ascertained that 500 packages invoiced as merchandize contained liquors, bonded for Montreal, were on board. The acquisition of her cargo, which is a valuable one, and the steamer, which would be also valuable to convey it into Wilmington, would tempt almost any determined band of sea-devils to hazard such a bold act, and as the city has been full of men who have run the blockade several times, it is fair to suppose some of them have had a hand in the operation.

This affair should stir up the Navy Department to the possibility of the "Alabama" or "Georgia" being in the vicinity, for it will be remembered that when the "Tacony" made her raid upon the fishermen the "Florida" was not far distant. This may be a preconcerted thing to draw out a large number of armed chartered government gunboats, and the regular privateers would like no better fun than to capture a half-a-dozen or more of that class of vessels. The rebels would loudly sing the praises of their corsairs, while France and England would taunt us on the inefficiency of our naval vessels. It may be that these now unknown men are a portion of the Johnson's Island rebels, who, frustrated in their plans for success in that quarter, have come into this locality, where quietly they have planned the capture of this or some other vessel by which to make havoc upon the sea, and knowing full well if captured they will only be subjected to a short confinement, fed and clothed well, and then set adrift, to make as much more mischief as they deem proper. At any rate, the blockade-runners brought to grief should not be allowed to go at large when captured.

As soon as the news of the capture of the "Chesapeake" reached the Brooklyn Navy Yard, Admiral Paulding and Commodore Radford set to work to fit out a fleet to be sent in pursuit of the prize. The "Sebago," "Grand Gulf," and "Vicksburg," being the most suitable, and the nearest ready for sea, a large gang of men were set to work to get them ready as quickly as possible. They were worked upon all night, and will be off at an early hour this morning. Other vessels will be despatched as soon as they can be got ready.

The "Vicksburg" is a new vessel, and this will be her first cruise, and it is in accordance with the expressed desire of her officers that she should be sent on special service. She now has an opportunity to do something. The following is a list of her officers:—

Lieutenant-Commander—Daniel L. Braine; Acting Master and Executive Officer—Jas. H. Rogers; Acting Assistant-Paymaster—T. E. Smith; Acting Assistant-Surgeon—T. W. Bennett; Acting Ensigns—J. H. Harris, F. G. Osborne, and W. H. Bryant; Engineers—Second Assistants, H. A. Delius (in charge), H. P. Gregory; Third Assistants, J. L. Bright, A. F. Nagle and H. L. Slosson; Acting Master's Mates—Aaron Vanderbilt, W. O. M. d'Aubigne and Robert Elder; Captain's Clerk—Jas. W. Jones; Paymaster's Clerk—Thos. A. Simonson.

The "Grand Gulf" is also a new vessel, and has only made a short cruise off Wilmington. Annexed is a list of the officers of the "Grand Gulf":—

Commander—George M. Ransom; Lieutenant and Executive Officer—Frederick Rogers; Acting Assistant Surgeon—George B. Higginbotham; Acting Assistant Paymaster—Edward B. Southworth; Acting Ensigns—Charles H. Frisbie, Charles H. Cadieu, John Boyle, and Hans J. Ipsen; Engineers—Acting Second Assistants, George W. Shank (in charge), Campbell McEwan; Acting Third Assistants, Samuel V. Stillings, Benjamin James, and Joel M. Wheeler; Acting Gunner—B. C. Betts; Acting Master's Mates—James Courtney, Thomas Mason, Harrison B. Cleaves; Commander's Clerk—William S. Dick; Paymaster's Clerk—Albert B. Gillet.

The "Sebago" is one of the fastest double-enders in the service, and as her list of officers was not completed last evening, we are unable to procure it. The "Dawn" and several other vessels will be despatched to-day, and possibly the revenue-cutter "Miami." At Boston, the "Ticonderoga," "Hendrik Hudson," and others were rumoured to have sailed last evening.

The Navy Department is awake, and in all its watchfulness it should not forget to warn the Wilmington blockaders that the "Chesapeake" may come along and report that she is bound to Beaufort or Charleston, and thus get the weather-gauge of them. Yet it is

possible that, having taken in a supply of coal from the vessel she was seen alongside of, she will go forth to sink, burn, and destroy inoffensive merchantmen.

The following strange story appeared in one of the sensation evening papers on Monday. It was thought at first to be connected in some way with the "Chesapeake" affair; but the dates do not correspond, and the "Patapsco" lies quietly moored alongside of her dock. It is a strange coincident of facts, and may be possibly the doings of some wicked sensationist; but, be it true or not in foundation, it might have been ~~thrown over~~ from the "Chesapeake," and the name given wrong as well as the dates, or it may have been done by one of the party of pirates, who threw it over while half drunk, so that in the event of its being picked up it would be but the forerunner of events to take place:—

"To the Editors of ———"

"Monday, December 1, 1863.

"Yesterday, about dark, I picked up a bottle in the Sound, with a white rag tied about the neck, and found this paper. I send it to you, thinking it might be of importance. I put one of my boys ashore at Harlem and send it to you. I will be in the city to-morrow, and will call on you.

(Signed) "J. WILLIAMS, Master schooner 'Betsey.'

"On board 'Patapsco,' Sunday morning, daylight.

"Last night, about 12 o'clock, the captain and officers of the "Patapsco" were seized by a band of ruffians, between twenty and thirty in number, who had taken passage on board at New York.

"They were all thoroughly armed, and among their number were engineers and sailing-masters, who immediately took charge of the vessel. The passengers had nearly all retired, and all hands were so completely surprised that resistance was out of the question. The captain and officers were handcuffed and confined below, as also were all the passengers. I shall throw this overboard in a bottle.

"Two hours later.

"There has been a great bustle on deck. A vessel is alongside, and cannon is being transferred to one vessel. The craft alongside is a steamer, and from what I can see of her through my state-room window, she is pierced for cannon. From a conversation I overheard I gathered that there were two other vessels near by, to co-operate with them. Look out for a formidable raid somewhere.' "

The Latest.

Portland, Maine, December 9, 1863, 10 P.M.

A private despatch, received this evening, says there are many suspicious characters about St. John's, and there are hints of a plot against the steamer "New England."

Permission has arrived to put the gun-boat "Agawam" in commission, which Deputy Collector Bird had already taken the responsibility of doing.

Boston, December 9, 1863.

The United States' gunboat "Acacia" left here this evening to search for the "Chesapeake."

No. 2.

Lord Lyons to Earl Russell.—(Received December 26.)

My Lord,

Washington, December 15, 1863.

ON the 11th instant, a few minutes after I had sent off my despatch to your Lordship of that day, Mr. Seward called upon me and showed me a telegram which he had just received from the United States' Vice Consul at Halifax. It had been not very correctly transmitted, but the substance of it appeared to be that the "Chesapeake" had been taken, by the passengers who seized her, into the port of Shelburn in Nova Scotia, and that the Crown lawyers at Halifax were deliberating on the case. Mr. Seward begged me to address a telegraphic despatch to the Governor of Nova Scotia to request, in the name of this Government, that all proper measures might be taken to prevent the escape of the vessel. The result of my conversation with Mr. Seward was that I dispatched a telegram to General Doyle, the Administrator of the Government of Nova Scotia, stating

that the Secretary of State of the United States requested me to beg him to take all measures compatible with international and municipal law, in order that justice might be done in the case. General Doyle having replied that the "Chesapeake" had not entered any port within his jurisdiction, I dispatched, at Mr. Seward's request, a telegram to the Governor of New Brunswick, to the same effect as that which I had sent to Nova Scotia.

I have the honour to inclose copies of correspondence which I have had on the subject.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 2.

Lord Lyons to Mr. Seward.

My dear Sir,

Washington, December 12, 1863.

I HAVE just received a telegram from the Administrator of the Government of Nova Scotia, stating that the "Chesapeake" has not put into any port in that Colony. My impression was that the telegram you showed me before dinner yesterday came from your Vice-Consul at Halifax, and that he stated that the Crown lawyers there were considering the case.

Yours, &c.
(Signed) LYONS.

Inclosure 2 in No. 2.

Mr. Seward to Lord Lyons.

My dear Lord Lyons,

Saturday evening, December 12, 1863.

YOUR impression in regard to the telegram was correct. Will you have the kindness to repeat your despatch to the Governor of New Brunswick, as the "Chesapeake" may have put into one of the ports of that Province?

Yours, &c.
(Signed) WILLIAM H. SEWARD.

No. 3.

Lord Lyons to Earl Russell,—(Received January 5, 1864.)

(Extract.)

Washington, December 21, 1863.

WITH reference to my despatch of the 15th instant, I have the honour to transmit to your Lordship copies of further correspondence relative to the American steamer "Chesapeake," which was taken possession of at sea by some of the passengers, who overpowered the master and crew.

Your Lordship will find among the correspondence a note from Mr. Seward to me, informing me, by direction of the President, that this Government has not authorized, and does not propose to justify, any exercise whatever of authority by its agents within the waters or on the soil of Nova Scotia; and that if any such authority has been assumed this Government will at once express its profound regret, and stands ready, in that case, to make amends which shall be entirely satisfactory.

I have deemed it right to be content with this assurance until I shall receive fuller information of what has occurred in Nova Scotia, and shall be made acquainted with the views and wishes of the Administrator of the Government of the Province.

An account of my communications with Mr. Seward on the subject is contained in the letter to Major-General Doyle which forms the last inclosure in this despatch.

Inclosure 1 in No. 3.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, December 16, 1863.

THIS Department is in possession of authentic information that among the persons who recently committed piracy and murder on board the United States' steamer "Chesa-

peake," were two named Braine and Parr respectively, and that they have take refuge in the British Province of New Brunswick or Nova Scotia. As it is desirable that they should be detained there until the formal affidavits can be forwarded with a view to their extradition for trial in this country, I will thank you to request Her Majesty's authorities to do anything which can be legally done for that purpose.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 3.

Lord Lyons to Lieutenant-Governor Gordon (and Major-General Doyle).

(Telegraphic.)

Washington, December 16, 1863.

THE United States' Government informs me officially that it has authentic intelligence that Braine and Parr, two men charged with having committed piracy and murder on board the United States' steamer "Chesapeake," have taken refuge in Nova Scotia or New Brunswick; and it requests the British authorities to do anything which can be legally done to detain the two men until formal affidavits can be forwarded with a view to their extradition for trial. The Secretary of State suggests that if it be alleged that the men were belligerents, and that their acts were acts of lawful warfare, the proper time for examining this plea will be when the propriety of complying with an actual demand for extradition shall be under consideration. I have answered that it is certain that your Excellency will act in exact conformity with the requirements of municipal law and international law and comity.

Inclosure 3 in No. 3.

Lord Lyons to Mr. Seward.

My dear Sir,

Washington, December 16, 1863.

I SEND you a copy of the telegram which I have despatched to the Administrator of the Government of Nova Scotia, in consequence of the note which I received from you this morning respecting the affair of the "Chesapeake," and the conversation which I had with you on the subject afterwards.

I have despatched an identic telegram to the Lieutenant-Governor of New Brunswick.

I have, &c.
(Signed) LYONS.

Inclosure 4 in No. 3.

Mr. Seward to Lord Lyons.

My dear Lord Lyons,

Department of State, Washington, December 17, 1863.

I HAVE received your note of yesterday, and thank you for the further proof of courtesy and attention shown in the telegram to the Executives of New Brunswick and Nova Scotia, a copy of which you have sent me.

Very truly, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 5 in No. 3.

Lord Lyons to Lieutenant-Governor Gordon.

(Extract.)

Washington, December 17, 1863.

I HAVE the honour to transmit to you herewith a copy of a telegram which I despatched to you yesterday in consequence of a note which I received in the morning from the Secretary of State of the United States, and of a conversation which I had with him later in the day. I despatched simultaneously an identic telegram to the Administrator of the Government of Nova Scotia.

Inclosure 6 in No. 3.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, December 18, 1863.

THE "Chesapeake" is a regularly licensed American steamer, plying the coasting trade, carrying passengers and freight between the city of New York and Portland, in the State of Maine. On the 5th of December last, under the care of her Captain (Willett), with a crew in all consisting of seventeen persons, old and young, male and female, she took on board at New York sixteen unsuspected passengers, all of whom paid their fares, and she set out at half-past 3 in the afternoon on her voyage to Portland. On Monday the 7th instant, at half-past 1 in the morning, the steamer then being off Cape Cod, on the high seas, these passengers surprised the watch, murdered the second engineer, maimed and disabled the first mate, and seized the captain and crew, and confined the captain with irons. The piratical passengers then took control of the steamer. Arriving at Partridge Island, in St. John's Harbour, in the waters of New Brunswick, the pirates delivered the captain and crew on board of a pilot-boat, which seemed to be attending by concert, and they were subsequently put on shore at St. John's, in that province. Information of these crimes having reached this Government, several ships of war were sent out to capture the pirates and recover the "Chesapeake." Advice being received that the former were likely to seek refuge either in New Brunswick or Nova Scotia, the United States' Consuls were directed to apply to Her Majesty's authorities for their arrest and detention, until a requisition could be made for their delivery under the existing Treaty between the two Governments as fugitives from justice. Your Lordship is, I believe, already informed that his Honour the Chief Justice of Nova Scotia issued warrants for the arrest of the offenders, but I am not advised that any of them have actually been arrested under that process.

I now learn by telegrams which have been received from Mr. Gunnison, the American Vice-Consul at Halifax, that United States' ship of war "Ella and Annie," under S. F. Nichols, Commander, at 9 o'clock in the morning of yesterday, the 17th, saw the "Chesapeake" lying in Sambro Harbour, in Nova Scotia, under flag of distress, and that the pirates were abandoning her. The "Ella and Annie" proceeded to the vessel, and two of the crew found on board of the "Chesapeake" delivered her up to the officers of the "Ella and Annie." Those officers immediately proceeded with the "Chesapeake" to Halifax, where they now have that vessel, and it is said three of the pirates, in their keeping. The object of the officers in proceeding to Halifax was to deliver that vessel and pirates up to Her Majesty's authorities if they should desire that to be done. Meantime the Consul has reported the transaction to this Government and asked instructions.

Assuming this statement of facts to be true, I am not aware that the naval officers have, in any respect, violated the sovereignty of jurisdiction of Great Britain. It is possible, however, that the case may not yet have been fully made known to this Government. To guard, therefore, against any possible misapprehension, I have now by the President's directions to inform your Lordship that this Government has not authorized, nor does it propose to justify, any exercise whatever of authority, by its agents, within the waters or on the soil of Nova Scotia. If any such authority has been assumed, this Government will at once express its profound regret; and it stands ready, in that case, to make amends which shall be entirely satisfactory.

The question, however, remains, what shall now be done with the Chesapeake and the pirates? This Government will, if it be required, place them at once in the custody of Her Majesty's authorities at Halifax. Nevertheless as at present advised, it would be my duty, in that case, to demand a delivery of the vessel, that it may be restored to its undoubted owners, and a surrender of the pirates, to be tried by our laws for their crimes. Such proceedings would be dilatory, and possibly somewhat embarrassing to the authorities at Halifax. I have thought it proper, therefore, to propose another mode of proceeding which would save all the rights of Her Majesty's Government, while it may be more convenient to all parties. If it shall be agreeable to the authorities at Halifax, the "Chesapeake" and the pirates may be left in the keeping of the naval authorities of the United States, and may be brought back to our own country. Here not only the vessel, but the pirates, will in that case be held in custody until the wishes of Her Majesty's Government shall be expressed, and if they shall see fit to require it, they will at once be restored to the care of the British Government, the United States reserving the right to make legal requisition in the case for the fulfilment of justice.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 7 in No. 3.

Lord Lyons to Mr. Seward.

Sir,

Washington, December 18, 1863.

I HAVE the honour to acknowledge the receipt of your note of to-day, communicating to me the recent intelligence which has reached you concerning the steamer "Chesapeake."

I accept with entire satisfaction the disavowal you so promptly make of any assumption of authority by officers of the United States within the territorial jurisdiction of Her Majesty's province of Nova Scotia; and I will lose no time in communicating to the Administrator of the Government of that province the suggestions which your note contains respecting the disposal of the "Chesapeake" and the three men found on board. His Excellency will certainly consider those suggestions with a desire to fulfil to the utmost the obligations of international comity and good neighbourhood.

I have, &c.
(Signed) LYONS.

Inclosure 8 in No. 3.

Lord Lyons to Major-General Doyle.

(Extract.)

Washington, December 21, 1863.

I TRANSMIT to you copies of a note from Mr. Seward, and the answer from me. When I delivered this answer to him, Mr. Seward told me he should immediately telegraph his note *in extenso*, and my answer, to the United States' Consul at Halifax; and he read to me a telegram which he said he should despatch at the same time, directing the Consul to communicate the notes to you, and then to dispose of the "Chesapeake" and the men taken on board, as you should direct.

On the following day I received your Excellency's telegram of the 18th instant.* I immediately went to Mr. Seward, and after pointing out the material difference between the actual facts as stated by you, and the reports which he had received when he wrote his note, I said that I should consider whether it would not be necessary that I should address to him without delay an official written remonstrance against the proceedings of the United States' officers. Mr. Seward, observed to me, that he had already declared in his note that this Government had not authorized, and would not authorize, any exercise whatever of authority by its agents, within the waters or on the soil of Nova Scotia. And that he had added, that if any such authority should have been assumed this Government would at once express its profound regret, and make amends which should be entirely satisfactory. This having been done, he thought it would be better that any further written communications should be postponed until we had full information of what had occurred, or, at all events, until we knew what view your Excellency would take of the note. I answered that I would beg him to consider whether the new facts which your Excellency's telegram disclosed did not render it advisable that he should send further instructions to the United States' officer at Halifax.

On reflection I came to the conclusion that it would be better to wait until I was made more fully acquainted with your Excellency's views and wishes before I took any further steps. And thus the matter stands at the present moment.

No. 4.

Lord Lyons to Earl Russell.—(Received January 8, 1864.)

(Extract.)

Washington, December 24, 1863.

I HAVE the honour to transmit to your Lordship further papers relating to the affair of the "Chesapeake."

The note dated the 20th instant, which contains the formal demand of the United States' Government for the extradition of the men engaged in the affair, was put into my hand by Mr. Seward at the State Department yesterday, with a request that I would inform the authorities in Brunswick and Nova Scotia as speedily as possible that the demand had been made.

Mr. Seward then gave me a paper, a copy of which forms Inclosure No. 3 in this

* See paragraph 16 of No. 5.

despatch. It was, he said, the decipher of a letter from a Confederate agent at New York to Mr. Benjamin, the Secretary of State at Richmond. Some of the proper names were, he observed, undecipherable, but the rest of the letter had been made out, and it showed that there were plots to seize two other steamers besides the "Chesapeake," and to make use of the neighbouring British territory to further the nefarious designs of the enemy.

Mr. Seward went on to say that the statement in the letter that a large number of rifled muskets had been sent to Halifax, and other facts which had come to his knowledge, made him apprehensive that the "Chesapeake" might not be safe at that place. He begged me to warn the authorities, and to ask whether the vessel would be made over at once to her owners if they applied for her with the sanction of the United States' Government. In consequence of this request, I despatched to Major General Doyle a telegram.

Mr. Seward said that the plots to get possession of United States' steam-packets by sending Confederate emissaries on board them in United States' ports in the guise of passengers rendered it necessary to take extraordinary precautions at the ports, and to enforce restrictions there which might, he feared, cause some inconvenience to foreigners as well as to Americans, but the matter was too urgent and too important to admit of the neglect of any means of frustrating the nefarious designs which had been conceived.

Inclosure 1 in No. 4.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, December 20, 1863.*

CREDIBLE information having reached this department that John C. Braine, H. A. Parr, John Parker Locke, *alias* Vernon G. Locke, David Collins, George Robinson, John Wade, and others, have committed piracy and murder on board the United States' steamer "Chesapeake," while that vessel was on her way from New York to Portland in Maine, and that they have taken refuge in the British Provinces of New Brunswick or Nova Scotia, I have the honour to request that, pursuant to the Xth Article of the Treaty of Washington, they may be delivered up for trial in the United States.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 4.

Lord Lyons to Lieutenant-Governor Gordon (and Major-General Doyle).

Sir, *Washington, December 22, 1863.*

I HAVE this afternoon had the honour to send to your Excellency by telegraph a summary of the contents of a note from the Secretary of State of the United States, demanding, in the usual form, the extradition of John C. Braine and others, concerned in the affair of the "Chesapeake." I have the honour to transmit to you herewith a copy of that note. It is dated the day before yesterday, but was delivered only to-day.

I have, &c.

(Signed) LYONS.

Inclosure 3 in No. 4.

*Office of United States' Military Telegraph, War Department,
Washington, December 21, 1863.*

*Translation of a Letter in cypher forwarded to the Secretary of War by Postmaster
Wakeman, New York City.*

New York, December 18, 1863.

_____ is here. The two steamers will leave here about Christmas. Lamar and Boners left here via Bermuda two weeks ago. The 1,000 rifled muskets came duly to hand, and were shipped to Halifax as instructed. We will be able to seize the other two steamers as per programme.

_____ has followed the President's orders. We will have _____ under arrest before this reaches you; cost 000 dollars.

We want more money. How shall we draw? Bills all forwarded to Slidell and receipts received.

Write as before.

(Signed) J. H. C.

Hon. J. P. Benjamin.

Please detach and forward as before. Telegraph when return answer is received. Very important.

(Signed) J. H. C.
Per T.

A. Keith, Halifax, Nova Scotia.

No. 5.

Major-General Doyle to the Duke of Newcastle.—(Received January 6.)

My Lord Duke,

Halifax, Nova Scotia, December 23, 1863.

I HAVE the honour to report, for the information of your Grace, the circumstances connected with the steam-ship "Chesapeake," recently brought into this harbour by United States' men of war.

2. On the 10th December a letter, a copy of which is annexed, was addressed to the Honourable Provincial Secretary of my Government by Mr. Gunnison, ex-Vice-Consul of the United States of America, stating that information had been received at the United States' Consulate that the American steamer "Chesapeake" had been seized by a band of pirates and murder committed, and requesting that should the "Chesapeake" or any one connected with her enter our ports, she should be detained, and the parties implicated arrested, and held to answer any charge that might be preferred against them.

3. At the same time, and subsequently between the 10th and 15th December, Mr. Gunnison handed the Provincial Secretary copies of the annexed telegrams, and an affidavit made by the Vice-Consul on the 14th instant, all of which were by my direction placed in the hands of the Law Officers of this Government.

4. On the 11th instant I received a telegram from Lord Lyons, saying he was informed that the American Government had heard that the steamer "Chesapeake" had put into a Nova Scotian port, and that the Secretary of State had begged him to take all measures compatible with international and municipal law, in order that justice might be done, to which I replied that the "Chesapeake" had not been heard of in any of our ports, and inquired whether I should detain her if she should come.

5. On the 14th instant the Provincial Secretary replied to the Vice-Consul that the question raised by his communication had been submitted to the Crown officers, and that they did not see, as at present informed, that they could legally interfere. A copy of that letter is annexed.

6. During the 15th and 16th instant telegrams were received by the Government here from the Custom-house Officers at Lunenburg and Bridgewater, saying that the "Chesapeake" had reported herself as the Confederate war-steamer "Retribution," had exhibited commission from Confederate authorities, and had thus obtained permission to land certain articles, to purchase necessaries; that on discovering that it was the "Chesapeake," she had been forbidden to land anything more, and had sailed on the morning of the 16th instant, all of which is more fully detailed in the letters of the 14th and 18th instant, written by John Harley, Collector of Customs at Bridgewater, to the Honourable Receiver-General, copies of which are annexed.

7. On the 15th instant I received a telegram from Lord Lyons, requesting me to obtain the best legal advice and act upon it, as it was impossible for him to foresee the circumstances under which the acts alleged to have taken place had occurred.

8. About 9 o'clock on the evening of the 16th instant, a formal requisition for the apprehension of Braine and others, of which a copy is annexed, was sent by Mr. Gunnison to the Provincial Secretary, and placed at once by that officer in the hands of the Honourable J. W. Johnston, the Attorney-General, and at 1 o'clock A.M. next morning, upon the application of Mr. Gunnison through his attorney, stating that if he could obtain the necessary warrant Braine could then be arrested, the Provincial Secretary obtained a preliminary warrant from the Attorney-General, a copy of which is also annexed, and brought it for my signature at 2 o'clock A.M. It was signed by me, and having been taken at once to the Chief Justice, that officer, after receiving a deposition in the case, issued a warrant for the apprehension of Braine, but the police, in whose hands it was

placed, did not succeed in finding him. These proceedings were duly detailed by telegram to Lord Lyons.

9. About noon on the 17th instant I received a communication from the Director of Signals stating that two steamers (apparently Federal gun-boats) were bringing in a steamer which had put into Sambro Harbour the night before, and which was supposed to be the "Chesapeake," all bearing the flag of the Federal States.

These American men-of-war having anchored opposite this city about half-past 2 o'clock P.M. and no report having been received from them, about half-past 5 o'clock P.M. I addressed the officer in command through the Provincial Secretary in a letter inquiring the names of the ships under his command, the object of their visit, and the circumstances under which the "Chesapeake" had been taken out of the harbour of Sambro, a Nova Scotian port, and brought into this harbour. Commander A. G. Clarey, of the United States' gun-boat "Dacotah," immediately accompanied Mr. Johnston (a clerk in the Provincial Secretary's office, by whom the letter to him had been delivered) to my house. An officer of the "Dacotah" having arrived a few minutes previously, together with Mr. Gunnison, the United States' Vice-Consul, Commander Clarey explained that he had sent an officer on shore to report their arrival to the Head of the Government, but that he had been detained at the Consulate by urgent business. He also apologized for the omission on the part of the gun-boat "Ella and Annie" to report herself when coaling a few days previously, and made further explanations to which it is not necessary to refer, as they were substantially embodied in his official answer to the letter which had been addressed to him.

10. On the same evening the Provincial Secretary received a reply explaining that Commander Clarey had intended to comply with all the proprieties required in British ports; that the men-of-war under his control were the United States' steamers "Dacotah," and "Ella and Annie"; and that he had entered this harbour for the purpose of delivering the "Chesapeake" to the British authorities, or to take her to the United States to deliver her to the United States' Government or to the owners, upon the faith, if any difficulty should arise, to make restitution to the British authorities. It was further stated that the crew of the "Ella and Annie," under the command of Acting Lieutenant J. F. Nichols, had seen a flag of distress of the United States flying from a steamer in the harbour of Sambro, had borne down to afford relief, and found she was the "Chesapeake," in the possession and control of five of her original crew, by whom they were informed that the pirates had abandoned her, and the steamer was without coals; and Commander Clarey further stated that under the circumstances he considered it prudent to put into Halifax to place himself in communication with the British authorities and the United States' Government.

11. On the morning of the 18th instant the Provincial Secretary, by my direction, replied to Commander Clarey that I was prepared to take legal charge of the "Chesapeake," but could not consent to her removal from the port without further investigation by the properly constituted authorities.

12. Immediately after the transmission of that letter information under oath was submitted to my Government that an armed crew from the United States' gun-boat "Ella and Annie" had forcibly taken possession of a schooner belonging to this port, and made prisoner a man found therein, placed him in irons, and removed him to their own ship, and that two other men, citizens of Halifax, who had joined the "Chesapeake" the day previously in the harbour of Sambro, were now detained prisoners on board a United States' man-of-war.

13. Without a moment's loss of time a second letter was despatched to Commander Clarey by the Provincial Secretary, stating that information having been received that prisoners had been made of individuals in the harbour of Sambro, a Nova Scotian port, by men-of-war under his command, I could not permit any United States' vessel to leave this port without due investigation of these allegations of the violation of international law.

14. About an hour after that letter was despatched a letter was received from Commander Clarey, agreeing to immediately hand over the "Chesapeake" to the authorities directed to receive her, so soon as he was notified of the time and place, and also to deliver up one of the pirates named George Wade, who he stated was concerned in the illegal seizure of the "Chesapeake," and was taken out of a schooner attempting to coal the "Chesapeake," and had been identified by the witnesses who had arrived in the United States' gun-boat "Acacia" that morning, also two men found on board the steamer "Chesapeake" when she was delivered to the officer in command of the "Ella and Annie," and who had been identified by the party who delivered up the steamer to the said officer, as in the employ of the pirates.

15. In about an hour after the receipt of this letter from Commander Clarey, another letter was addressed by him to the Provincial Secretary, saying he would be glad to learn whether, after the explanation given, and the offered rendition of persons termed prisoners in the note he had received, it was consistent with the friendly relations existing between the British Government and the United States' Government, that United States' ships having come into the port of a neutral Power for a purpose previously explained, and offering to render up to the proper authorities persons termed prisoners, should be detained if the officers thereof should wish to report themselves to their own Government.

16. To these two communications from Commander Clarey the Provincial Secretary, in a letter, replied that I. J. Sawyer, High Sheriff of the county of Halifax, had been commissioned to receive George Wade and the two other men referred to in Commander Clarey's first letter of that date, at the Queen's Wharf, at 1 o'clock on the next day, where they would be amenable to the action of any person desiring to proceed legally against them. That Captain O'Brien, of the revenue schooner "Daring," had also been duly authorized to receive possession of the "Chesapeake" at 2 o'clock P.M. of the same day, where she lay at anchor, to be adjudicated upon by proper authority. That I was most anxious to preserve to the utmost of my power the friendly relations existing between the American and British Governments, but could not but feel that a grave infraction of international law had been committed by the men-of-war then in the harbour bearing the flag of the United States; that irrespective altogether of the taking of the "Chesapeake" in the harbour of Sambro, a forcible entry had been made of a British schooner in that port, a man therein being made prisoner and retained in Commander Clarey's custody, together with two citizens of the place found on board the "Chesapeake," and that without any report having been made of such grave transactions either in his personal interview with me, or in his first official report in writing, in which he had professed to explain for my information the object of his visit and the circumstances connected with taking the "Chesapeake," nor until after a notification had been forwarded to him that applications respecting these prisoners had been made to this Government. Commander Clarey was also reminded that the second letter from the Provincial Secretary on the 18th instant had been sent to him before the first letter of that day had been received. I then sent a telegram to Lord Lyons informing him how matters stood.

17. About noon on Saturday the letter was received from Commander Clarey, in which he stated that his first communication of the 18th instant was written and inclosed before the second letter from the Provincial Secretary of that day had been received by him. Commander Clarey's letter also covered a copy of the correspondence between Lord Lyons and the Secretary of State at Washington, and intimated that it might alter my determination as previously communicated.

A reply was sent without delay, after consultation with the Government, in which Commander Clarey was informed that my determination respecting the delivery of the "Chesapeake" and rendition of the prisoners was still adhered to.

19. During the morning of the 19th instant, Mr. Gunnison, the Vice-Consul, made a requisition on the part of the United States' Government for the apprehension and extradition of George Wade and others charged with piracy, and causing illegally the death of Owen Shaffer, upon which I issued immediately another preliminary warrant, and the Mayor of the city upon the depositions of some of the original crew of the "Chesapeake" issued his warrant for the apprehension of Wade and the other parties named, which warrant was placed in the hands of the police constables to be served upon Wade after he had been released by the Government Commissioner who was to receive him.

20. About half-past 1 o'clock, the prisoners Wade and the other two men named Henry, belonging to this city, were brought on shore handcuffed, and delivered to the Government Commissioner, at whose request the United States' officer in charge removed the handcuffs, when Mr. Sawyer, the Commissioner, in conformity with the instructions received, declared the prisoners free.

21. The officer of the main guard had by my direction prevented any but peace officers and respectably dressed citizens from entering to the Queen's wharf, which is a very large one, and from the best information I can obtain, I do not think that a hundred persons were present, and those respectable citizens, men of the commissariat stationed there, and the American boat's crew.

22. Very soon after the prisoners had been declared free, a gentleman present beckoned to two fishermen in a boat near the ship to come in, which they did, and Wade was directly after taken on board and the boat moved off. The police constable charged

with the arrest immediately rushed to the water's edge and presenting a pistol threatened to fire unless they came back, when he was prevented by parties present, who seized upon him and told the boat to row off, which it did, and was soon out of sight.

23. The Provincial Secretary having very shortly after brought to my notice the letter from Mr. Gunnison complaining that the service of the warrant against George Wade had been prevented by the citizens of Halifax interfering with the police, a letter was instantly despatched by my direction to his Worship the Mayor, desiring him to use every exertion to execute the warrant, and offering to place any force he might require at his service for that purpose.

24. The Mayor replied expressing his deep regret that his officers had been unable to execute the warrant, and that although the Vice-Consul had in a letter notified to him that the United States' Government did not wish any further services from the police of this city, he should still use every exertion in his power for the service of the warrant.

25. On Saturday the 19th instant, after the "Chesapeake" and prisoners had been delivered up by Commander Clarey, I received from Lord Lyons a telegram informing me that when he advised me of the correspondence of the Secretary of State and himself, he was ignorant of the circumstances mentioned in my telegram to him of the 18th instant.

26. In response to my application into the cause of this failure to serve the warrant, his Worship forwarded the reports of the City Marshal and a policeman who was specially charged with the execution of this duty.

27. From the foregoing detail of the principal circumstances connected with this transaction and the correspondence which has taken place in relation to it, I trust it will appear that while the honour and dignity of the British Crown have been jealously maintained, I have been sedulously careful to avoid any just cause of offence to the Government of the United States. Although the information furnished by the telegrams to the United States' Vice-Consul, as has been seen, showed that Braine had exhibited a commission from the Confederate authorities, a preliminary warrant was granted for his apprehension as soon as the application was formally made for it under the Treaty, and it having been vaguely stated that Braine had been rescued after arrest in the country, I commissioned an inquiry into the facts, the report of which has not yet arrived.

The flagrant violation of neutral rights committed by the United States' men-of-war in thus taking the "Chesapeake" and making prisoners, not only in our harbour, but on board a British vessel, rendered it imperative that I should demand the unconditional surrender by them both of the "Chesapeake" and the prisoners they had taken, and so long retained without making any communication upon the subject to the Government.

The outrage upon British authority in the capture made on board one of our schooners rendered it equally necessary that I should discharge him from custody before any warrant even under the Extradition Treaty could be served upon him, and his escape from subsequent apprehension could not have been anticipated by me, as the place where the rendition occurred was most unfavourable for such escape.

I have, &c.
(Signed) HASTINGS DOYLE.

Inclosure 1 in No. 5.

Mr. Gunnison to the Provincial Secretary.

*Consulate of the United States, Halifax, Nova Scotia,
December 10, 1863.*

Sir,

INFORMATION having been received at this Consulate of the seizure of the American steamer "Chesapeake" by a band of pirates, and murder having been committed, I beg to request of the Government should such vessel (or any one connected with her) enter any of the ports of this province, that she be detained, and the parties implicated arrested and held to answer any charges that may be preferred against them.

I have, &c.
(Signed) N. GUNNISON, *Vice-Consul.*

Inclosure 2 in No. 5.

*Telegrams.**Mr. Washburn to the American Consul.**Boston, December 9, 1863.*

STEAMER "Chesapeake" taken by pirates is on your coast. Give all information you have or may have immediately to Collectors of Portland, Boston, and Eastport.

(Signed) J. WASHBURN, *Collector of Portland.*

*Mr. Seward to Mr. Gunnison.**Washington, December 9, 1863, 1:30 P.M.*

IS the steamer "Chesapeake," or has she been, in your port? Please answer.

(Signed) WILLIAM H. SEWARD.

*Mr. Howard to Mr. Jackson.**St. John's, December 9, 1863.*

YOU are instructed by Secretary Seward to use your best efforts to secure detention of "Chesapeake" and arrest of criminals. I now learn that she will proceed to Shelburne.

(Signed) J. Q. HOWARD, *United States' Consul.*

*Mr. Leach to Mr. Jackson.**St. John's, December 10, 1863.*

I AM informed by Secretary of State that steamer "Chesapeake" of Portland and New York line has been taken possession of by supposed insurgents on board off Cape Cod, the second engineer killed, and the captain landed at St. John, New Brunswick. We are instructed to use our best efforts to cause the arrest of the criminals, and the detention of the steamer. Am requested to inform you she has not been seen here.

(Signed) C. O. LEACH, *United States' Consul.*

*A. L. to Mr. Chun.**Yarmouth, December 10, 1863.*

A STEAMER said to be of similar appearance to "Chesapeake" passed this harbour about noon yesterday, steering down the bay.

(Signed) A. L.

*Mr. Washburn to Mr. Jackson.**Portland, December 11, 1863.*

CARGO of "Chesapeake" was owned entirely by American and Canadian merchants, and was not intended to run blockade. Advise authorities of fact, as the piracy was projected in St. John. I suppose they will not permit "Chesapeake" to leave their ports.

(Signed) ISRAEL WASHBURN, Jun., *Collector.*

*Mr. Washburn to Mr. Gunnison.**Portland, December 12, 1863.*

DEPOSITION of Charles Johnson, mate of the "Chesapeake," taken by United States' Commissioner, proves conclusively the murder of Orin Shaffer, second engineer, on the morning of December 7th by the pirates who took possession of the steamer. I send the depositions by mail.

(Signed) J. WASHBURN, Jun., *Collector.*

Mr. Seward to Mr. Gunnison.

Washington, December 12, 1863.

YOUR despatch to Lord Lyons on the subject of the "Chesapeake" received. He will adopt all proper measures in regard. The United States' Attorney for Maine will be instructed to take depositions with a view the extradition of the offenders.

(Signed) W. H. SEWARD.

Mr. Davis to Mr. Gunnison.

Liverpool, December 14, 1863.

FOLLOWED John C. Braine to Petit Rivere and arrested; he showed a Lieutenant's commission from Jeff. Davis: letter of marque and instructions to capture the steamer. The citizens interfered and prevented me taking him or holding him as a prisoner. They landed goods at Shelburne Saturday. I think some were put aboard schooner, and will be brought to Halifax. Braine will probably leave Petit Rivere this morning for Halifax. He cannot get there before night. There is probably parties at Halifax, Shelburne, Yarmouth, St. John, Grand Menan, Musquash, and other places concerned in the affair. I think most of the goods are out of the "Chesapeake" before this.

(Signed) JOSEPH D. DAVIS.

Mr. Merrill to Mr. Gunnison.

Yarmouth, December 14, 1863.

STEAMER "Chesapeake" hovering along shore east of Shelburne Saturday night; her purser started by land for Halifax. Gun-boat passed here last night 4 o'clock bound east.

(Signed) J. M. MERRILL, *United States' Consular Agent.*

Mr. Farrar to the United States' Consul.

Barrington, December 14, 1863.

SHE lays behind Blue Island near Jordan, out of sight, discharging cargo into lighters, and waiting for coals.

(Signed) A. F. FARRAR.

Inclosure 3 in No. 5.

Affidavit of Nathaniel Gunnison.

Province of Nova Scotia, Halifax, 1863.

I, NATHANIEL GUNNISON, of the city of Halifax, in the county of Halifax, in the Province of Nova Scotia, Esquire, make oath and say, as follows:—

That I am Vice-Consul to the American Government, in this port, and as such act in the absence of Mr. M. Jackson, Consul for such Government.

That, on or about the 7th day of December instant, the steam-ship "Chesapeake," an American registered steam-ship, plying between the cities of Portland and New York, as a freight boat, and having on board, to the best of my knowledge and belief, property belonging to British citizens, was seized by a number of persons who went on board said steam-ship at New York, representing themselves to be passengers, and when on board said steam-ship, and while the said steam-ship was prosecuting her voyage to Portland, and had reached the neighbourhood of Cape Cod, rose up against the master and crew of the said steam-ship, overpowered them, took command of the said steam-ship, and murdered the chief engineer.

That the persons who committed these acts were in number sixteen; that one of the said number was named John C. Braine, who is now representing himself as the Captain thereof, and that the said steam-ship, commanded by the said John C. Braine, was recently in Shelburne Harbour, in the county of Shelburne and Petit Riviere in the county of Lunenburg, the Province aforesaid, as I have been informed and verily believe such information to be true.

That the facts herein stated were communicated to me as such Acting Vice-Consul, by telegram, and I verily believe the contents and the statements here and therein contained to be true.

That I am desirous, as such Acting Vice-Consul, of obtaining the assistance of the Government of this Province, in taking such steps as will cause the said steam-ship to be arrested and detained as I am informed that the said steam-ship is now at Margaret's Bay, in the county of Halifax, and I verily believe such information to be true.

(Signed) NATHANIEL GUNNISON, *Vice-Consul.*

Sworn at Halifax, this 14th day of December, A.D. 1863.

Before me,

(Signed) J. JENNINGS, *J. P.*

Inclosure 4 in No. 5.

Mr. Tupper to Mr. Gunnison.

Sir, *Halifax, Nova Scotia, December 14, 1863.*

I HAVE it in command from his Honour the Administrator of the Government to inform you in reply to your communication respecting the "Chesapeake," that the question has been referred to the Crown Officers, and that they are of opinion that they do not see upon what grounds, as at present informed, they can legally interfere.

I have, &c.

(Signed) C. TUPPER, *Provincial Secretary.*

Inclosure 5 in No. 5.

Mr. Harley to the Receiver-General.

Sir, *Custom-house, La Havre, December 14, 1863.*

I UNDERSTOOD this morning that a steamer lay opposite Mr. William McKenny's wharf, about five miles from this place. I went down and boarded her. The Captain reported that she was a Confederate war-steamer, sailing under commission from the authorities of the Confederate States, which he produced:—

Date of Commission, November 1, 1862. Name of vessel, "Retribution," tonnage 480; guns, 2; number of men, 30. First Lieutenant, John C. Braine; Second Lieutenant, Henry A. Parr.

The Captain, John Parker, stated that he was under the necessity of putting into harbour for a supply of fuel and other necessities, to purchase which he wish to land certain articles, as he had no money, which I permitted him to do, placing a competent person on board, acting under my instructions, to see that nothing else was landed, to protect the revenue, and to receive his light duties.

As the case is a novel one to me I feel anxious to know whether my proceedings met with your approbation, and beg leave to ask for instructions to guide me in any future similar case which may arise.

The vessel will sail to-morrow.

I am, &c.

(Signed) JOHN HARLEY, *Collector.*

Inclosure 6 in No. 5.

Mr. Harley to the Receiver-General.

Sir, *Custom-house, La Havre, December 18, 1863.*

THE "Chesapeake" sailed about 9 A.M. on Wednesday.

She has landed here by permit twenty-five bales of cotton; ten half-casks (300 gallons) of port wine, and a church bell, entered as worth 100 dollars.

I placed a confidential person on board of her to see that nothing was landed without my knowledge, and remained on board nearly two days myself.

She sailed at 6 P.M. on Tuesday, with the ostensible purpose of going to sea, when my officer returned and reported to me about 9 P.M.

On Wednesday morning I despatched a constable to follow her down the river, with

instructions to board her and remain if she were still in port : he returned in the afternoon and stated that she had left as above.

The constable, who provided himself with a horse and wagon, has charged 7s. 6d. for his services.

The young gentleman who acted as my lieutenant (two days and one night) will, I doubt not, be satisfied with whatever you may think proper to award him.

The officers appeared to be solicitous to give no offence to the Government, and expressed their willingness to abide by the regulations of the port.

I am, &c.

(Signed) JOHN HARLEY, *Collector.*

Inclosure 7 in No. 5.

Warrant.

Halifax, ss., Province of Nova Scotia, 1863.

I, HASTINGS DOYLE, administering the Government of the province of Nova Scotia :

To all Justices of the Peace and other Magistrates and Officers of Justice having power to commit for trial persons accused of crime against the laws of Nova Scotia, send greeting.

I, the said Administrator of the said Government of this Province of Nova Scotia, acting in virtue of and in obedience to the requirements of an Act of the Imperial Parliament of Great Britain and Ireland made and passed in the sixth and seventh years of the reign of Our Sovereign Lady Queen Victoria, "entitled an Act for giving effect to a Treaty between Her Majesty and the United States of America for the apprehension of certain offenders," do hereby signify and make known to you that by authority of the said United States in pursuance of and according to said Treaty, which in the said Act of Parliament is in part recited, requisition in writing has been made to the following effect, that is to say :

"*Halifax, December 16, 1863.*

"I, Nathaniel Gunnison, of the city of Halifax, in the county of Halifax, Esquire, Vice-Consul of the United States of America, acting as Consul in the absence of M. M. Jackson, Consul, request of the Government of Nova Scotia that they will give to the Government of the United States all the assistance and co-operation in their power towards the apprehension of John C. Braine and the crew under his control who have been guilty of an act of piracy in seizing unlawfully the steamer "Chesapeake," an American steam-ship, off Cape Cod, and in causing while so seizing illegally the death of Orin Schaffer, second engineer on board said steam-ship, by shooting him. That I request the assistance of the Government of Nova Scotia by virtue of being the Acting Consular Officer in this city and province, and upon the request of the Government of the United States communicated to me by the Honourable W. H. Seward, that the said John C. Braine and his crew are offenders against the laws of the United States, and that they are now seeking an asylum in the province of Nova Scotia in order to protect themselves and evade the laws of the United States and the punishment of crimes committed within the jurisdiction of the United States, and of crimes as well against the laws of the United States as against the laws of Great Britain and her Colonies and Dependencies, and I now request the assistance of the Government and authorities of Nova Scotia by virtue of the provisions of the Treaty commonly called the Ashburton Treaty, and made between Great Britain and the United States, and I request the Government and authorities of Nova Scotia to consider this as a requisition required by the said Treaty from the United States' Government.

(Signed) "NATHANIEL GUNNISON. *Vice-Consul, Acting*
"*Consul of the United States' Government.*"

And I require you and each of you within your several jurisdictions to govern yourselves accordingly to the end that the said John C. Braine and other the persons in the said requisition accused as aforesaid may be arrested and dealt with according to the provisions of the said Treaty.

Given under my hand and seal at Halifax in the said province this 17th day of December, A.D. 1863.

(Signed) HASTINGS DOYLE, *Administrator of the*
Government.

Inclosure 8 in No. 5.

Mr. Tupper to Commanding Officers of United States' ships, Halifax, Nova Scotia.

Provincial Secretary's Office, Halifax, Nova Scotia,

December 17, 1863.

Sir,

THREE war-steamers being the flag of the United States having arrived here, and no officer belonging to either of them having reported himself to the Administrator of the Government or the officer in command of the troops in this garrison, I have it in command from his Honour the Administrator of the Government to inquire the names of the ships under your command, the object of your visit to this port, and the circumstances under which the steam-ship "Chesapeake" has been this day taken out of the harbour of Sambro, a Nova Scotian port, and brought into this harbour by men-of-war belonging to the Navy of the United States.

I have, &c.

(Signed) C. TUPPER, *Provincial Secretary.*

Inclosure 9 in No. 5.

Commander Clarey, U.S.N., to Mr. Tupper.

Sir,

"Dacotah," Halifax, December 17, 1863.

I HAVE the honour to acknowledge the receipt of your communication of this date, and in reply I beg to state that I had no intention of not complying to all proprieties required in British ports, and have taken the opportunity of personally stating to his Honour the Administrator of the Government in an interview held with him this evening.

As to the reason demanded in your note for entering this harbour, I beg to state I have entered the harbour for the purpose of delivering the steam-boat "Chesapeake" into the hands of the British authorities, or to take her to the United States and deliver her to the United States' Government or the owners, upon the faith, if any difficulty should arise, to make restitution to the British authorities.

With reference to the circumstances under which the steam-boat "Chesapeake" was taken out of the harbour of Sambro, I beg to state are simply these:—At 7 o'clock this morning a flag of distress of the United States was seen flying by the crew of the gun-boat "Ella and Annie," under the command of Acting Lieutenant J. F. Nickels. The "Ella and Annie" steamed down in order to afford relief, the Lieutenant in command feeling it his duty to respond to such a signal from a vessel purporting to belong to the United States. When he reached the distressed found it was the steamer "Chesapeake," in the possession and control of five of her original crew, by whom he was informed that the pirates had abandoned her, and the steamer was without coal. Under the circumstances of the case I thought it prudent to put into the port of Halifax, for the placing myself in communication with the British authorities and the United States' Government.

I have in conclusion to state the names of the United States' gun-boats under my control are, United States' steamer "Dacotah" and "Ella and Annie."

I have, &c.

(Signed) A. G. CLAREY.

Inclosure 10 in No. 5.

Mr. Tupper to Commander Clarey.

Provincial Secretary's Office, Halifax, Nova Scotia,

December 18, 1863.

Sir,

I AM commanded by his Honour the Administrator of the Government to acknowledge the receipt of your letter of yesterday, explaining the object of your visit to be for the purpose of delivering the steamer "Chesapeake" into the hands of the British authorities, or to take her to the United States and deliver her to the United States Government, or to the owners, upon the faith, if any difficulty should arise, to make restitution to the British authorities; and in reply I have it in command to inform you that his Honour is prepared to take legal charge of the steam-boat "Chesapeake," but cannot consent to her removal from this port until further investigation by properly constituted authorities.

I have, &c.

(Signed) CHARLES TUPPER, *Provincial Secretary.*

Inclosure 11 in No. 5.

Memorial of Susan Henry.

To his Excellency Major-General Hastings Doyle, Administrator of the Government and Commander-in-Chief of Nova Scotia.

The humble Memorial of Susan Henry, wife of William Henry, of Halifax,
Engineer,

Sheweth,

THAT her husband, the said William Henry, together with his brother, Alexander Henry, were employed the day before yesterday to ship as engineers on board a steamer, and went shortly after to join her at the mouth of the harbour.

That your Memorialist has since understood, and believes, that they have been unlawfully seized by the officers and crew of a steam-vessel said to be a United States' man-of-war, called the "Ella and Annie," and are now in confinement as prisoners on board one of the American men-of-war in this harbour.

That both William and Alexander Henry had returned to this port about a fortnight since from a previous voyage, their occupation being steam-boat engineers, and they have not been absent from home since their return till they left the day before yesterday to join the said boat.

That they are both British subjects, and reside in Halifax.

Your Memorialist prays that your Excellency will take steps to procure the immediate release of the said William and Alexander Henry.

(Signed) SUSAN HENRY.

Inclosure 12 in No. 5.

Memorial of John E. Holt.

To his Excellency Major-General Hastings Doyle, Administrator of the Government of the Province of Nova Scotia, and Commander-in-chief of the Forces of Her Majesty the Queen therein.

The Memorial of John E. Holt, Shipmaster,

Humbly sheweth,

THAT he is a British-born subject, and is owner and master of the British schooner "Investigator," belonging to the port of Halifax, where your Memorialist resides.

That on the 16th day of December instant, while he was in command of his said vessel in British waters, to wit, in the harbour of Sambro, within the body of the County of Halifax, his said vessel was forcibly entered by the officers of an United States' vessel of war, the particulars of which are detailed in the annexed affidavits, to which your Memorialist begs leave to refer your Excellency.

Your Memorialist, having sustained the injury and insult therein described at the hands of a foreign man-of-war in British waters, looks to your Excellency, as the Representative of Her Majesty and the Commander of Her Majesty's Forces in this Province, for protection, and he prays that the outrage thus committed on him will meet with redress at the hands of your Excellency.

And your Memorialist, as in duty bound, will ever pray.

(Signed) JOHN E. HOLT.

Halifax, December 18, 1863.

Inclosure 13 in No. 5.

Affidavit of John E. Holt.

Halifax, ss.

I, JOHN E. HOLT, at present of the city of Halifax, master mariner, make oath and say:—That when I left the steamer "Chesapeake" in Sambro Harbour, where she was at anchor on the 17th day of December instant, and before she was boarded by the United States' ship of war "Ella and Annie," William Henry and Alexander Henry, both of the city of Halifax, engineers, were on board of the steamer "Chesapeake," and I feel quite certain neither of them left her before she was captured, nor within two hours afterwards, as no boat could have left either the "Chesapeake" or the "Ella and Annie"

within that time and reached the shore without my knowing of it, and seeing the persons in it.

(Signed) JOHN E. HOLT.
Sworn to before me, at Halifax, this 18th day of December, 1863.
(Signed) ARCHD. SCOTT, *Justice of the Peace.*

Inclosure 14 in No. 5.

Affidavit of John E. Holt,

Halifax, ss.

I, JOHN E. HOLT, at present of the City of Halifax, master mariner, make oath and say:—That I am master and owner of the British schooner “Investigator,” registered at the port of Halifax, Nova Scotia.

That on the morning of the 17th day of December instant, the said schooner was in the small harbour of Sambro, near Halifax, Nova Scotia, and a large steamer called the “Chesapeake” was at anchor in the said harbour about 200 yards from the shore, with six or seven men on board of her. That at about 7 o’clock A.M. I saw a Federal man-of-war coming into the harbour, and when she came near I got under weigh, and proceeding further up the harbour, came to an anchor about 400 yards from the “Chesapeake,” and about 200 yards from the shore. That the “Chesapeake” had no flag flying until the Federal man-of-war was about 100 yards off, when a Federal flag was hoisted at the peak upside down, but in two or three minutes, and before she was boarded, it was reversed and again hoisted. That the man-of-war (the name of which I have ascertained to be the “Ella and Annie”), having the Federal flag flying, ran alongside of the “Chesapeake,” and made fast to her. About an hour after a boat with an armed crew started from the “Ella and Annie” and came alongside of my schooner. I was below when they reached the vessel, but came on deck on hearing the noise they made coming on board. When I reached the deck I found six or seven armed men there at work opening the hatches of my vessel. I then asked one of them who appeared to be an officer to show me his authority. He struck the pistol which was in his belt, and said that was his authority. I said I did not think he could overhaul my vessel in a British port; and then three of his men, cocking their pistols, pointed them at me and told me to hold my tongue. The officer then said he had a great mind to take me prisoner and take me to the States, as I would make a d—d good evidence. He then asked me if any of the “Chesapeake’s” men were below. I said, “No,” as I thought they had all gone on shore. They then opened the hatches and searched the vessel from one end to the other, and took away as prisoner one of the men of the “Chesapeake” who was asleep in the cabin in one of the berths, and a large quantity of trunks and baggage and other articles which had been put on board of my vessel by some of the men of the “Chesapeake,” and left the vessel. That the search was conducted throughout in a very rough and tyrannical manner, and a guard kept on deck all the time with cocked pistols. That at about half-past 11 o’clock A.M. I sailed from Sambro Harbour in the said schooner leaving the two steamers there. That I did not at the time know the name of the man that was taken from my vessel, but I have since been informed that his name is John Wade; and I further say that I am a British subject born in Nova Scotia, and have never taken the oath of allegiance to any foreign State.

(Signed) JOHN E. HOLT.
Sworn to before me, at Halifax, this 18th day of December, A.D. 1863.
(Signed) P. C. HILL, *Mayor, and Justice of the Peace.*

Inclosure 15 in No. 5.

Affidavit of Daniel Murphy.

Halifax, ss.

I, DANIEL MURPHY, of Dover, in the County of Halifax, mariner, make oath and say:—That I was one of the crew of the schooner “Investigator,” John E. Holt, master, and was on board of her when she was in Sambro Harbour on the 17th day of December instant; that I have heard the affidavit of the said John E. Holt, which is hereto annexed, read over to me, and I say that the statements made therein are true in every particular.

(Signed) DANIEL MURPHY, his  mark.
Sworn to before me, at Halifax, this 18th day of December, 1863, having been first read over and explained.
(Signed) P. C. HILL, *Mayor, and Justice of the Peace.*

Inclosure 16 in No. 5.

*Mr. Tupper to Commander Clarey, U.S.N.**Provincial Secretary's Office, Halifax, Nova Scotia,*Sir, *December 18, 1863.*

I HAVE it in command from his Honour the Administrator of the Government to inform you that information having been received that prisoners have been made of individuals in the harbour of Sambro, a Nova Scotian port, by men-of-war under your command, his Honour cannot permit any vessel in the service of the United States' Government to leave this port until due investigation has been made into these allegations of the violation of international law.

I have, &c.
(Signed) CHARLES TUPPER, *Provincial Secretary.*

Inclosure 17 in No. 5.

*Commander Clarey, U.S.N., to Mr. Tupper.*Sir, *"Dacotah," Halifax, Nova Scotia, December 18, 1863.*

I BEG to acknowledge the receipt of your communication of this day, and in reply have to state that I shall immediately hand over the steamer "Chesapeake" to the authorities directed by his Honour the Administrator of the Government to receive her so soon as I have signified to me the authorities appointed to receive her, and the time and place, together with one of the pirates named George Wade, who was concerned in the illegal seizure (and who was taken out of a schooner which was attempting to coal the "Chesapeake," and was found wrapped up in a buffalo robe) of the steamer from the citizens of the United States on the 7th instant, and who has been identified as a pirate by the witnesses who arrived here in the United States' gun-boat "Acacia," from the United States this morning; also two men found on board the steamer "Chesapeake" when she was delivered to the officer in command of the United States' steamer "Ella and Annie," and who were identified by the party who delivered the steamer to the said officer as being in the employ of the pirates.

I have, &c.
(Signed) A. G. CLAREY.

Inclosure 18 in No. 5.

*Commander Clarey, U.S.N., to the Provincial Secretary.*Sir, *"Dacotah," Halifax, December 18, 1863.*

UPON closing my reply to your first communication of to-day by command of his Honour the Administrator of the Government, I therein proposed the immediately delivering up the steam-boat "Chesapeake," and also the rendition to the proper authorities of certain persons who had been taken under circumstances mentioned.

Your second communication by command of his Honour the Administrator of the Government I beg to acknowledge, in which you state "that information having been given that prisoners have been made of individuals in the harbour of Sambro, a Nova Scotian port, by men-of-war under your command, his Honour cannot permit any vessel in the service of the United States' Government to leave this port until due investigation has been made into the allegation of this violation of international law."

I beg to refer you to my first communication of to-day.

I shall be glad to learn, after the explanation given and the offered rendition of persons termed prisoners in your note, whether it is consistent with the friendly relations existing between the British and the United States' Governments that the ships of war of the United States having come into a port of a neutral Power for a purpose previously explained, and now offering to render up to the proper authorities persons termed prisoners, should be detained, if the officers thereof should wish to depart to report themselves to their own Government.

I have, &c.
(Signed) A. G. CLAREY.

Inclosure 19 in No. 5.

*Mr. Tupper to Commander Clarey, U.S.N.**Provincial Secretary's Office, Halifax, Nova Scotia,
December 19, 1863.*

Sir,

IN reply to your letters of to-day, I have it in command from his Honour the Administrator of the Government to inform you that J. J. Sawyer, Esquire, High Sheriff of the County of Halifax, has been commissioned to receive at the Queen's Wharf, at 1 o'clock P.M. to-morrow, George Wade and the two other men referred to in your first letter of to-day, with any other persons, if such there be now in your custody, who may have been taken within British jurisdiction, when the individuals so surrendered will be amenable to the action of any person desirous to proceed legally against them. I have it also in command to inform you that Captain O'Bryan, of the revenue schooner "Daring," has been duly authorized to receive possession of the steam-boat "Chesapeake" at the place where she is now at anchor at 2 o'clock P.M. to-morrow, to be adjudicated upon by proper authority. I am at the same time commanded to inform you that his Honour Major-General Doyle, the Administrator of the Government, is most anxious to preserve to the utmost of his power the friendly relations existing between the United States and Great Britain, but he cannot but feel that a grave infraction of international law has been committed by the men-of-war now in this harbour bearing the flag of the United States. Irrespective altogether of the taking of the "Chesapeake" in the harbour of Sambro, a forcible entry has been made on board a British schooner belonging to this port, and a man therein made prisoner and retained in your custody, together with two other men, citizens of this place, who were found on board the "Chesapeake," and this without any report of such grave transactions having been made either in your personal interview with or your first official report in writing to his Honour professing to explain the object and circumstances of your visit to this port, nor until after a notification had been forwarded to you by his Honour's command that information to that effect had been given to this Government.

It is unnecessary to state that the second note addressed to you to-day was written and forwarded before the receipt of any intimation from you that you had in your custody or intended to surrender any prisoners.

I have, &c.

(Signed) CHARLES TUPPER, *Provincial Secretary.*

Inclosure 20 in No. 5.

Commander Clarey, U.S.N., to Mr. Tupper.

Sir,

"Dacotah," Halifax, Nova Scotia, December 19, 1863.

I BEG leave to acknowledge the receipt of your communication of the 18th instant, and hasten to answer so much of it as relates to the "forcible entry on board a British schooner in a British port, and a man therein made prisoner, &c.," by informing his Honour the Administrator of the Government that my first communication alluded to in your note was written and inclosed before yours was received. Also, that at the time of my personal interview with his Honour the Administrator the facts connected with the schooner were unknown to me, also to the Vice-Consul for the United States.

I beg to inclose you a copy of the correspondence between Lord Lyons and the Secretary of State at Washington, William H. Seward, and of which I presume his Honour the Administrator of the Government is already fully apprised, and by me received this day, which perhaps may alter the determination of his Honour the Administrator of the Government respecting the steamer "Chesapeake."

I have, &c.

(Signed) A. G. CLAREY.

Inclosure 21 in No. 5.

Mr. Seward to Lord Lyons, December 18, 1863.

[See Inclosure 6 in No. 3.]

Inclosure 22 in No. 5.

Lord Lyons to Mr. Seward, December 18, 1863.

[See Inclosure 7 in No. 3.]

Inclosure 23 in No. 5.

*Mr. Tupper to Commander Clarey, U.S.N.**Provincial Secretary's Office, Halifax, Nova Scotia,
December 19, 1863.*

Sir,

I AM charged by Major-General Doyle, the Administrator of the Government, to acknowledge the receipt of your letter of to-day, together with a copy of correspondence between Lord Lyons and William H. Seward, Secretary of State of the United States, and I am directed by his Honour the Administrator to say in reply that he is glad to be informed that your first communication of yesterday was written and inclosed before the receipt by you of my second letter of yesterday; and I am further commanded to inform you that his Honour does not see any cause to alter his determination communicated to you last evening, respecting the disposal of the "Chesapeake," and the prisoners now in your keeping.

I have, &c.
(Signed) CHARLES TUPPER, *Provincial Secretary.*

Inclosure 24 in No. 5.

*Requisition.**Halifax, Nova Scotia, December 19, 1863.*

I, NATHANIEL GUNNISON, of the city of Halifax and county of Halifax, Esquire, Vice-Consul of the United States, acting as Consul in the absence of M. M. Jackson, Consul, request of the Government of Nova Scotia that they will give to the Government of the United States all the assistance and co-operation in their power towards the apprehension of Henry C. Braine, sometimes called John C. Braine, George Brooks, Henry A. Parr, George Sears, George Moore, Robert Cox, Gilbert Cox, James Kenny, George Wade, Robert Moore, and William Harris, of the United States of America, who have been guilty of an act of piracy, in seizing unlawfully the steamer "Chesapeake," an American steamship off Cape Cod, and causing while so seizing illegally the death of Owen Shaffer, second engineer on board the said steam-ship, by shooting him; that I request the assistance of the Government of Nova Scotia, by virtue of being the acting Consular officer in this city and province and upon the request of the Government of the United States, communicated to me by the Honourable H. Seward, that the said Henry C. Braine, sometimes called John C. Braine, George Brooks, Henry A. Parr, George Sears, George Moore, Robert Cox, Gilbert Cox, James Kenny, George Wade, Robert Moore and William Harris, are offenders against the laws of the United States, and that they are now seeking an asylum in the province of Nova Scotia, in order to protect themselves and evade the laws of the United States and the punishment of crimes committed within the jurisdiction of the United States, and of crimes as well against the laws of the United States as against the laws of Great Britain and Ireland, and her colonies and dependencies, and I now request the assistance of the Government and authorities of Nova Scotia by virtue of the provisions of the Treaty commonly called the Ashburton Treaty, and made between Great Britain and Ireland and the United States.

I have, &c.
(Signed) NATHANIEL GUNNISON, *Vice-Consul.*

Inclosure 25 in No. 5.

Warrant.

Halifax, ss.

I, HASTINGS DOYLE, administering the Government of the Province of Nova Scotia:

To all Justices of the Peace, and other Magistrates and officers of Justice having power to commit for trial persons accused of crime against the laws of Nova Scotia, send greeting.

I, the said Administrator of the said Government of this Province of Nova Scotia, acting in virtue of and in obedience to the requirements of an Act of the Imperial Parliament of Great Britain and Ireland, made and passed in the sixth and seventh years of the reign of our Sovereign Lady Queen Victoria, entitled an Act for giving effect to a Treaty between Her Majesty and the United States of America for the apprehension of certain offenders, do hereby signify and make known to you that by authority of the said United States, in pursuance of and according to the said Treaty, which in the said Act of Parliament is in part recited, requisition in writing has been made to the effect following, that is to say :—

[See Inclosure 24 in No. 5.]

And I require you, and each of you, within your several jurisdictions, to govern yourselves accordingly to the end that the said Henry C. Braine, sometimes called John C. Braine, George Brooks, Henry A. Parr, George Sears, George Moore, Robert Cox, Gilbert Cox, James Kinney, George Wade, Robert Moore, and William Harris, persons in the said requisition, accused as aforesaid, may be arrested and dealt with according to the provisions of the said Treaty.

Given under my hand and seal, at Halifax, in the said province, the 19th day of December, A.D. 1863.

(Signed)

HASTINGS DOYLE, *Administrator of the Government.*

Inclosure 26 in No. 5.

Mr. Gunnison to Mr. Tupper.

Sir,

Halifax, Nova Scotia, December 19, 1863.

MAY I call the attention of his Honour the Administrator of the Government to the fact that the persons mentioned in the official communication which passed between the officer in command of the United States' Navy in this harbour through his Honour the Provincial Secretary of Nova Scotia, were this day delivered to the proper authorities at half-past 1 o'clock.

A warrant was previously taken out, and at this time in the hands of a police officer for the purpose of apprehending George Wade, an offender against the laws of the United States, and one of the persons so delivered, and concerned in the piracy and murder on board the "Chesapeake," and that the citizens of Halifax interfered with the officer attempting to execute the warrant and held him back from seizing George Wade, a pirate, and that Dr. Almon in particular, a prominent citizen of Halifax, prevented the officer from discharging his duty by holding him back.

I submit whether such conduct is in accordance with the friendly relations subsisting between the two Powers and the Treaty made by them for the extradition of criminals.

May I request that as the pirate George Wade has been prevented from being arrested by British subjects, that his Honour the Administrator of the Government will take steps for his apprehension, as he is now being rowed down the harbour in a boat by two fishermen.

I have, &c.

(Signed)

NATHANIEL GUNNISON, *Vice-Consul.*

Inclosure 27 in No. 5.

Mr. Tupper to the Mayor of Halifax.

Sir,

Halifax, Nova Scotia, December 19, 1863.

I HAVE it in command from his Honour the Administrator of the Government to inform you that N. Gunnison, Esq., Vice-Consul of the United States, has this moment advised his Honour that the police officers of this city have been prevented by the citizens from executing a warrant against George Wade, charged with piracy and murder, and I am further commanded to desire you to use your best exertions for the service of said warrant, and to state that if the police force under your command is not sufficient therefor his Honour will place any force at your disposal which you may require in order that the law may not be obstructed in its execution.

A copy of Mr. Gunnison's application for assistance in the apprehension of George Wade is herewith inclosed.

I have, &c.

(Signed)

C. TUPPER, *Provincial Secretary.*

Inclosure 28 in No. 5.

The Mayor of Halifax to the Provincial Secretary.

Sir, *Mayor's Office, Halifax, December 19, 1863.*
 I HAVE the honour to acknowledge the receipt of your letter of this day's date. In reply, I beg to state that I deeply regret that any such occurrence should have taken place, but I am assured that the City Marshal used every effort in his power to execute the process entrusted to him at the time referred to, and although unsuccessful on that occasion I beg to assure you that every effort will continue to be made to apprehend the parties named in the process, notwithstanding that I have received a communication from the Vice-Consul of the United States informing me that he does not wish the services of the police in the matter any further.

I have, &c.
 (Signed) P. CARTERET HILL.

Inclosure 29 in No. 5.

Mr. Gunnison to the Mayor of Halifax.

Sir, *Halifax, December 19, 1863.*
 AS it is evident from what has just transpired on the Queen's Wharf that the pirates of the "Chesapeake" cannot be arrested in this city, I therefore feel it incumbent on me to notify you that the United States' Government at present will not require the further services of the police of this city.

I have, &c.
 (Signed) NATHANIEL GUNNISON, *Vice-Consul.*

Inclosure 30 in No. 5.

The Mayor of Halifax to Mr. Hickman.

Sir, *Mayor's Office, Halifax, December 21, 1863.*
 I HAVE the honour to inclose herewith a copy of the City Marshal's report, to which I referred in my last letter of yesterday's date, for the information of his Honour the Administrator of the Government.

I have, &c.
 (Signed) P. CARTERET HILL.

Inclosure 31 in No. 5.

Mr. Hutt to the City Marshal.

Sir, *Halifax, December 21, 1863.*
 BY your direction and with a warrant under the hand and seal of the Mayor, I proceeded to the Queen's Wharf on the 19th day of the month at 1 o'clock for the purpose of arresting George Wade, charged with murder and piracy. I was made aware that the said George Wade was then a prisoner on board of one of the United States' gun-boats now in the harbour, and would be brought on shore at that hour, and handed over to the Sheriff.

I met the Sheriff on the Wharf, and told him that I had a warrant for Wade; he told me to give the prisoner two or three minutes after he released him before I arrested him. Met Dr. Almon on the Wharf. Asked me my business; I told him, and showed him the warrant with the Mayor's signature to it; he said it was a shame. I was standing at the head of the slip; then the United States' man-of-war boat came to the shore with prisoners. I was then joined by Policeman Hood and Burke and yourself. The slip is an inclined place running down to the water about fourteen or sixteen feet from the capsil of the wharf. The prisoner Wade was landed at the water's edge on the slip, and I went towards him; he was in irons, and on his landing on the slip his irons were taken off. I did not hear the Sheriff say he was free, but heard some person say, "He is in the boat." I ran down the slip to the water's edge, and called upon the persons in the boat to bring the boat back,

and presented a revolver when they backed the boat. As the boat was backing to the slip I was seized round the arms by Dr. Almon, who told the men in the boat to go on; I was also handled by Alexander Keith, jun., who tried to get the pistol out of my hand, and also by Dr. Smith. Had it not been for the interference of Dr. Almon, Alexander Keith, jun., Dr. Smith, and others I have no doubt but I could have secured the man Wade. With regard to the slip when the prisoner was landed, I would state that it runs down from the wharf some forty or fifty feet, and is more than twelve feet wide, and a crowd of persons were on it at the time. I wish further to inform you that when I presented my pistol at the boat which was carrying away Wade, I had the warrant for his arrest in my left hand, the pistol in my right at the time I was seized by Dr. Almon.

I am, &c.

(Signed)

LEWIS HUTT.

Inclosure 32 in No. 5.

The City Marshal to the Mayor of Halifax.

Sir,

City Marshal's Office, Halifax, December 21, 1863.

IN obedience to the request of your Worship contained in your communication of the 19th instant I have the honour to furnish a report of the circumstances connected with the attempted execution of the warrant against George Wade on Saturday last.

Having understood from the Attorney of the American Consul that George Wade was to be landed on the day in question at the Queen's Wharf, I detached what I judged to be a sufficient police force to arrest and secure him when he was landed.

Between 1 and 2 o'clock a boat bearing the American flag, with the prisoner on board, who had irons on, landed at a confined and inclined slip, which is at the wharf where the Sheriff of the County of Halifax and the Consul of the United States of America were waiting to secure the prisoner.

The prisoners were then unshackled, and as I have since understood the Sheriff said to them they were at liberty. When the prisoners were landed and unshackled Policemen Hutt, Hood, and Burke were on the slip and close to where Wade was standing.

As I had something to communicate to the American Consul I left the slip, and went to the Consul and his attorney, who were on the wharf a short distance from the slip. On turning round I perceived one of the prisoners in a fishing boat, and I inquired of the Consul who the person in the boat was; he informed me it was Wade. I at once rushed down to the slip, but my progress was impeded by the number of boatmen who were standing on the slip and near the bottom of it, and so blocked it up that before I could get near the boat had gone out of reach, and made it impossible for me to arrest Wade. At this time I saw Policeman Hutt, with a pistol in his hand, who commanded the return of the boat, but he was disregarded. Finding that it was impossible for me to reach the boat by the slip, I ran on the wharf, thinking I could board the boat containing the prisoner from a commissariat boat, which was moored at the wharf without any one in her. I called upon the men in the boat which had Wade on board to return, but a number of voices from the wharf urged them to go on, which they did. Before the boat had got out of the dock I requested the officer in charge of the United States' boat which brought the prisoner on shore to come to my assistance, but this was neglected. On the fishing boat getting beyond my reach the crowd on the wharf cheered them. I have understood that the boat which conveyed Wade was in charge of Gallagher and Holland.

I beg to assure your Worship that every possible effort was made in my power, and as I believe by the policemen present, to arrest Wade; but that from the circumscribed space where he was landed, and the crowded state of the space, it was beyond the power of either myself or my men to do more than was done.

I have required the policemen to furnish a detailed report of the circumstances within their knowledge, which I have the honour to submit herewith.

I have, &c.

(Signed)

GARRET COTTER.

No. 6.

Major-General Doyle to the Duke of Newcastle.—(Received January 6, 1864.)

My Lord Duke,

Government House, Halifax, Nova Scotia, December 24, 1863.

MY despatch to your Grace of the 23rd instant, and of same date to Lord Lyons, a copy of which is herewith inclosed, explains fully the action of this Government in relation to the "Chesapeake."

2. After the steamer had left with my despatch to Lord Lyons I received from his Lordship a telegram dated December 22, stating that an official requisition had been made by the Secretary of State at Washington for the extradition, under the Treaty, of John C. Braine and others therein named, charged with the crime of piracy and murder on board the United States' steamer "Chesapeake."

At the same time I received a second despatch dated December 22, informing me that the United States' Government had intercepted a letter, which had excited apprehensions that the "Chesapeake" would be seized in this port by Confederates, and inquiring when this Government would give her up to the owners on the requisition of the United States' Government.

To this I replied by telegram, that my Government had decided to put the "Chesapeake" into the Court of Vice-Admiralty, and that she could only be given up upon the order of that Court, but that proper precautions had been taken for her safety.

3. A communication having been received by the Provincial Secretary from the United States' Vice-Consul, also exhibiting anxiety respecting the "Chesapeake," I directed a reply to be sent to Mr. Gunnison, informing him that no danger need be apprehended.

4. The legal questions connected with the "Chesapeake" will thus be judicially disposed of by a competent Tribunal; and I have instructed the Crown Officers to take the necessary steps to bring to justice the parties charged with obstructing the execution of the warrant against Wade.

I have, &c.
(Signed) HASTINGS DOYLE

Inclosure 1 in No. 6.

Major-General Doyle to Lord Lyons.

My Lord,

Government House, Halifax, December 23, 1863.

THE unexpected arrival of the steamer from England compels me to send, for the information of your Lordship, a copy of a despatch which I had prepared for transmission to his Grace the Duke of Newcastle, instead of a full report which I had intended to prepare upon the subject of the "Chesapeake" and matters connected with her, especially for you. I may add that the Government had decided to put the "Chesapeake" in the Court of Vice-Admiralty here for the purpose of obtaining a judicial decision upon every question arising in connection with her.

Your telegram received late last evening will be placed in the hands of my Government this morning, when, after receiving their advice based on the opinion of the Crown Officers, I will reply by telegraph to the proposal you have communicated from the Honourable W. H. Seward to have the "Chesapeake" delivered to the owners upon the requisition of the United States' Government.

As at present advised, I do not see how the "Chesapeake" can properly be delivered up except upon an order from the Court of Vice-Admiralty; but I presume it will be quite competent for that Court to surrender her to the assumed owners upon their giving the necessary bail to abide by the ultimate decision of this Court.

I trust I need not assure your Lordship of the very deep anxiety I have felt throughout this very complicated question to keep steadily in view your Lordship's opinion that as much as dignity, humanity, and law warrant should be done to content the Government of the United States, but of course no more.

I have, &c.
(Signed) HASTINGS DOYLE.

Inclosure 2 in No. 6.

Mr. Gunnison to Mr. Tupper.

*Consulate of the United States, Halifax, Nova Scotia,
December 23, 1863.*

Sir,

I BEG to inform the Government of this province that I have received information from my Government of the fact that 1,000 rifles have been shipped from New York to Nova Scotia by the rebel agents for rebel purposes in Halifax. The fact is reported to me as certain.

I beg to call the attention of the Government to the matter, and request that such steps be taken by the proper authorities for the seizure of these arms.

I would further say that I have reason to fear the re-seizure of the "Chesapeake" by the pirates and their abettors in this province.

I have, &c.
(Signed) N. GUNNISON, *Vice-Consul.*

Inclosure 3 in No. 6.

Mr. Tupper to Mr. Gunnison.

*Provincial Secretary's Office, Halifax,
December 24, 1863.*

Sir,

I HAVE it in command from his Honour the Administrator of the Government to say, in reply to your communication of yesterday, that proper precautions have been taken to ensure the safety of the "Chesapeake."

I have, &c.
(Signed) CHARLES TUPPER, *Provincial Secretary.*

No. 7.

Lieutenant-Governor Gordon to the Duke of Newcastle.—(Received January 6, 1864.)

My Lord Duke,

Fredericton, December 21, 1863.

CONSIDERABLE excitement was created a few days ago in the city of St. John by the appearance off that port of the steamer "Chesapeake," lately captured by persons professing to be officers and sailors in the service of the Confederate States of America.

2. The crew and passengers on board the "Chesapeake" were landed at St. John; and though full details of this transaction will reach your Grace from other quarters, I inclose two versions of the capture as reported by the crew and passengers landed at St. John, and published, the one in a newspaper which is generally looked on as the organ of the Federal party in St. John, and the other in one of the many journals published in that city which advocate the cause of the Confederate States.

I have, &c.
(Signed) ARTHUR GORDON.

Inclosure 1 in No. 7.

Extract from the St. John's, New Brunswick, "Morning Telegraph" (Confederate organ).

CAPTURE OF THE "CHESAPEAKE."—Another of those thrilling incidents which have characterized the war between the Federals and Confederates has occurred to create a profound sensation throughout our city which will extend as far through the Northern and Southern States as telegraph wires and newspapers can carry the intelligence.

The Federal passenger and freight steamer "Chesapeake," one of a line that plies regularly between New York and Portland, Maine, left New York harbour at 4 o'clock in the afternoon of Saturday last, with about twenty passengers (exclusive of the crew) and a valuable cargo. Everything went well until the steamer had been some eleven hours at sea—say 3 o'clock on Sunday morning—when fifteen of the passengers, who were then discovered to be Confederates, rose on the crew, overpowered the latter, and took possession of the boat in the name of the Confederate States. This occurred about twenty-five miles west of Cape Cod. These Confederates were under the command of Lieutenant Braine, of the Confederate service, who was in St. John several months last summer, and when here boarded at the Waverley House. It is said that a dozen shots were fired at Captain Willett, of the "Chesapeake," none of which took effect. The first engineer was wounded; the second engineer, who was in charge of the engines at the time of the occurrence, was killed, and his body thrown overboard,—one account says because it was suspected by the Confederates that he was exhausting the steam in the boilers, and making other preparations to blow the vessel up. After the death of the second engineer the first engineer was compelled to work the engines. The mate was wounded in the leg. The crew being secured, one of the passengers, Captain Osborne, of this port, who formerly sailed the "Fellow Craft," was compelled to take the wheel and steer the vessel in the direction of the Bay of Fundy. The other passengers were kept below in the cabin, where they were at the

time of the surprise. It is said that the vessel was seized during the weakest watch, and when there were only some five or six of the crew on duty. When the "Chesapeake," under its new managers, had arrived up the bay, it hailed Mr. George Mulherrin's pilot-boat "Simonds," and transferred the remaining passengers, some five or six, to her, taking her in tow. Opposite Musquash, New Brunswick, the "Chesapeake" slowed her engines, and finally stopped; and the Confederates those of the steamer's crew whom they had decided not to detain just ten minutes to get into boats and go ashore, which they did with considerable agility. But while this was going on, a skiff put off from the shore carrying on board the "Chesapeake" a Confederate officer, who immediately took command of her. [Another account says he boarded her off Grand Manna.] The steamer then proceeded up to the mouth of our harbour and anchored below Partridge Island yesterday (Wednesday) morning about 4 o'clock. Osborne, whose services were no longer required, was then sent ashore. The "Simonds," with the passengers from the "Chesapeake," arrived yesterday morning about 9 o'clock; Captain Willett also arrived in the "Simonds." It is said on the streets that the "Simonds" took down a crew from this port to man the "Chesapeake," under Confederate colours; and that when the steamer arrived off Partridge Island she was met by a vessel from which she received a supply of coal. It appears there was previously only coal enough on board the steamer to last twenty-four hours. It is also believed that several Confederate gentlemen who had been in our city for a number of days back are missing, and the presumption is that they left in the "Chesapeake" yesterday morning. The officer who boarded the steamer at Musquash would probably convey information to Lieutenant Braine and his party of the exact state of matters off this harbour. It seems that the Confederates carried off with them the first and third engineers and some of the firemen.

The above is the substance of statements made by Captain Osborne, who was obliged to play a part in the affair as well as the engineers, and by the American passengers on the steamer.

Since the above was in type we have read the account of the affair as furnished by the "Evening Globe," and have carefully compared the two narratives. They differ in some particulars; but as the greater portion of our information comes from a British subject, and an unprejudiced person, we consider it as correct as can be obtained under the circumstances. From the "Globe's" statement we make some quotations:—

" The second engineer had charge of the engine at the time [of the seizure]; and the conspirators, apparently afraid from his movements that he contemplated either breaking down the engine or bursting the boiler, shot him down in cold blood, a ball passing through his neck and head; his body was afterwards thrown overboard. The first engineer, who hurried up to see what the trouble was, was in the act of stooping down to pick up his comrade, when somebody, with an oath, ordered him to desist, and immediately after he was fired at, the ball carrying away a part of his lip, and inflicting a severe wound.

. . . . The attacking party was composed of sixteen persons, under command of Henry Braine. This Braine has been, we are told, in this city; and it is also currently reported that the party rendezvoused here; they went on in the American boat to Portland, thence overland to New York. At New York Braine represented himself as an agent of some English Steam-boat Company, and the courtesy of a free pass in the 'Chesapeake' was extended to him. He requested this kindness in the way stated above. The second in command is named Parr, and he claims to be one of the officers who escaped with Morgan. . . . Captain Willett says that the parties generally were poorly clad, and looked to be in straightened circumstances. He also says that he and his crew were robbed of nearly everything they possessed; the passage-money collected on the voyage was taken from him. The 'Chesapeake' had very little coal, and a small amount of provisions. Braine said he would take the steamer to Wilmington."

The vessel and cargo are valued at 180,000 dollars. The passengers and crew of the "Chesapeake" are reported as stating here that the parties who seized the steamer included St. John and Carleton men, but no explanation is offered as to how they were able to recognize men whom they had never seen before as belonging to this city. An opinion also seems to prevail among their friends here that Captain Osborne was mixed up in the plot; and in proof of this they say that when Lieutenant Braine awoke him in the cabin and ordered him on deck Osborne kicked the Lieutenant. We presume that some allowance must be made for lacerated feelings under these circumstances. Every one, whether Northern or Southern in sympathy, must regret the shedding of blood in the affair. It is to be hoped that no person in this community has had anything to do with the capture.

Inclosure 2 in No. 7.

Extract from the St. John's, New Brunswick, "Daily Evening Globe" (Federal organ).

EXTRAORDINARY AFFAIR.—CAPTURE OF A FEDERAL STEAMER, AND HER ARRIVAL OFF ST. JOHN.—The steamer "Chesapeake," Captain Willett, running between Portland and New York, as a passenger and freight boat, and somewhat famous as one of the steamers engaged with the "Forest City" in the capture of the men who stole the revenue cutter out of Portland Harbour, left New York on Saturday last at 4 p.m., with a number of passengers. On Monday morning, at 1-30, when twenty miles north-north-east of Cape Cod, the officers and crew were overpowered by a portion of the passengers, and the vessel taken possession of in the name of the Confederate States.

It was in the morning watch, and of course the greater portion of the crew were in their berths. The first intimation the captain had of anything wrong was his being fired at two or three times from behind as he was going below. He thinks he was fired at nine times in succession, and wonders he was not killed. He escaped unscathed. He was then collared, a pistol put to his head, and his surrender demanded as a prisoner to the Confederate States. The second engineer had charge of the engine at the time, and the conspirators, apparently afraid from his movements that he contemplated either breaking down the engine or bursting the boiler, shot him down in cold blood, a ball passing through his neck and head; his body was afterwards thrown overboard. The first engineer, who hurried up to see what the trouble was, was in the act of stooping down to pick up his comrade when somebody, with an oath, ordered him to desist, and immediately after he was fired at, the ball carrying away a part of his lip and inflicting a severe wound. The mate was hit by two balls, one in the arm and one in the knee; but is not dangerously wounded. All of the statements that we have heard concur in that no demand was made for the surrender of the vessel; no intimation of any kind given before the firing of the shot. The ruffians then spread themselves through the vessel; the officers and crew, twelve or fourteen in number, were handcuffed; and the passengers, of whom there were six or eight, were given to understand that they would be allowed their liberty if they kept quiet.

The attacking party was composed of sixteen persons, under command of Henry Braine. This Braine has been, we are told, in this city; and it is also currently reported that the party rendezvoused here; they went on in the American boat to Portland, thence overland to New York. At New York Braine represented himself as an agent of some English Steam-boat Company, and the courtesy of a free pass in the "Chesapeake" was extended to him. He requested this kindness in the way stated above. The second in command is named Parr, and he claims to be one of the officers who escaped with Morgan.

When the boat was taken possession of, Braine said they intended to go to St. John. Among the passengers was a man whose name we did not hear, belonging to this city. On ascertaining that he was acquainted with the Bay of Fundy, Braine compelled him to act as pilot. On Tuesday morning the "Chesapeake" stopped at Seal Harbour, or some other similarly named place in Grand Manan. Last night about 10 o'clock she came up near Partridge Island, and a passing pilot-boat was hailed, ordered to come to, and the crew, wounded mate and passengers, put on board and brought to this city, where they arrived at 4 o'clock this morning. When Captain Willett was ironed, he urgently requested to be allowed to speak to the engineer; the request was not granted at first, but yielding to his importunities, an interview was allowed him. His first instruction was to break down the engine, but here one of the party interposed, and threatened instant death to the engineer should he attempt anything of the kind. The engineer was not landed with the rest of the crew, but carried off to work the steamer, none of the party on board being acquainted with machinery. Braine said that he intended to have brought two engineers with him from New York, but they got drunk and it was impossible to get them on board. Captain Willett says that the parties were generally poorly clad, and looked to be in straightened circumstances. He also says that he and his crew were robbed of nearly everything they possessed; the passage money collected on the voyage was taken from him. The "Chesapeake" had very little coal, and a small amount of provisions. Braine said he would take the steamer to Wilmington. There was a report that the "Chesapeake" had obtained coal from a schooner in the Bay, but all the evidence, so far as we could learn, is against this. It was also said that several parties here belonging to the Confederate States went off in the steamer this morning. The whole thing was undoubtedly premeditated, as Southern Americans here have boasted during the past two or three days in our hearing, that something startling would soon take place, and this

affair is thought to be but the beginning of some comprehensive scheme, the special object of which is as yet a mystery.

The killing of the second engineer was a cowardly act, and the whole thing, though evidencing some skill in the planning, lacks the higher qualities of courage or heroism to extenuate it.

The steamer and cargo are said to be worth \$180,000. There was a small amount of ammunition on board but no ball. Emery and Fox are the agents of the steamer at Portland. The "Church Witness" to-day says that an officer in the Confederate service who has been staying at the Waverley Hotel lately, left the city yesterday afternoon in a pilot-boat.

The names of the crew landed here are as follows:—

Isaac Willett, Captain; John P. Willett; Francis St. Clair; D. C. McAllister; David Hopkins; Albion Oslin; John Anderson; Peter Whalen; Thomas Hudkins; Richard Leisson; Joseph H. Curtis.

In the above are the names only of those at the Mansion House. We have not that of the wounded mate, nor those of two or three others of the crew.

No. 8.

Lord Lyons to Earl Russell.—(Received January 9, 1864.)

(Extract.)

Washington, December 29, 1863.

I HAVE the honour to transmit to your Lordship a copy of a despatch from Major-General Doyle, acknowledging the receipt of the telegram in which I inquired, at Mr. Seward's request, whether the "Chesapeake" could be made over at once to her owners if they applied for her, with the sanction of the United States' Government.

Major-General Doyle has sent me copies of his despatch to the Duke of Newcastle of the 23rd instant and its inclosures, giving a full account of the proceedings of the United States' Vice-Consul and naval officers, as well as of those of the British authorities in Nova Scotia. The details of the events which grew out of the arrival of the "Chesapeake" in the waters of that province have been brought to my knowledge for the first time by these papers. I had not been without misgivings, but I confess that I was by no means prepared to learn that the violation of the territorial rights of Great Britain by the United States' naval officers had been so flagrant and so serious, or the proceedings of those officers so violent and so unjustifiable, as they are now shown to have been. Mr. Seward was absent from Washington when the papers reached me, and he has not yet returned. He is, however, expected here to-morrow, and I shall, without a moment's loss of time, confer with him upon the intelligence which I have received. I have thought it better to be silent on the subject during his absence. The prisoners taken by the United States' officers on British territory have been given up by them, and the "Chesapeake" has been handed over to the Nova Scotian authorities. The question, therefore, which now remains is, the nature and extent of the reparation due from the Government of the United States for the wrong committed by its officers; and Mr. Seward announced beforehand, in his note of the 18th of this month, that if any authority had been assumed by officers within the waters or on the soil of Nova Scotia, the Government of the United States would at once express its profound regret, and be ready to make amends which would be entirely satisfactory. The case being in this position, I think that it is prudent, and that it is due to Mr. Seward, that I should discuss the matter with him in a friendly and confidential manner before taking any further steps with regard to it.

Inclosure in No. 8.

Major-General Doyle to Lord Lyons, December 23, 1863.

[See Inclosure 1 in No. 6.]

No. 9.

Lord Lyons to Earl Russell.—(Received January 16, 1864.)

My Lord,

Washington, December 31, 1863.

WITH reference to my despatch of the day before yesterday's date, I have the honour to inform your Lordship that Mr. Seward returned to Washington last night,
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and that I went to him this morning to confer with him upon the accounts which I had received since he left Washington of the proceedings of the United States' officers in Nova Scotia in the affair of the "Chesapeake." I related the events to him as they had really occurred, and said that I would not conceal from him that they had caused me a great deal of anxiety and distress. I added, however, that bearing in mind the assurances given beforehand in his note to me of the 18th instant, I had determined to wait for his return to Washington in order to discuss the matter with him in a friendly and confidential manner before taking any further steps.

Mr. Seward said that the subject was altogether a painful one. The spirit shown by the people of Halifax in rescuing one of the "pirates," and the facts that Braine, one of the chief of them, and he believed several others were themselves Nova Scotians, and that a large number of rifles had been sent by Confederate agents to Nova Scotia, rendered it necessary for the United States' Government to consider seriously whether it would not be necessary to adopt extraordinary precautions with respect to intercourse with that Colony. Mr. Seward added that he could not be expected to state specifically the course the United States' Government would take with regard to the proceedings of its officers in the case of the "Chesapeake" until he had had time to make himself acquainted with all the facts; that he would however apply himself to the subject immediately, and that I might at once state with entire confidence to Her Majesty's Government that the assurances which he had, by the President's order, given in his note would be acted up to.

I have, &c
(Signed) LYONS.

No. 10.

Lord Lyons to Earl Russell.—(Received January 19.)

(Extract.)

Washington, January 4, 1864.

I HAVE the honour to transmit to your Lordship copies of further correspondence with Mr. Seward and with Major-General Doyle and Mr. Gordon, relative to the affair of the "Chesapeake."

I waited upon Mr. Seward at the State Department the day before yesterday, and told him that I had lost no time in conveying to your Lordship his assurances that the promises made in his note of the 18th ultimo would be punctually fulfilled. I said that I relied implicitly on these assurances, and that therefore I would not importune him by addressing a written remonstrance to him against the proceedings of the United States' officers in Nova Scotia, nor run the risk of embarrassing him by making at present any specific demand on the subject. I would content myself for the moment with placing in his hands papers which would complete his information. He had, I observed, of course been furnished by the United States' officers with copies of their correspondence with the Nova Scotian authorities. I would add copies of depositions which had been laid before the Administrators of the Government with regard to the proceedings of the United States' naval officers, and copies of a correspondence with the Mayor of Halifax respecting the escape of Wade. These papers would, I said in conclusion, make him fully acquainted with all that had occurred, and enable him to act without delay upon the assurances given in his note.

Mr. Seward said that the course I proposed to take was very considerate and judicious; that he should be glad to receive the papers, and that he would promise me that they should be carefully examined, and that measures should be taken which would be entirely satisfactory to Her Majesty's Government.

Upon this, I put into Mr. Seward's hand copies of those inclosures in Major-General Doyle's despatch to the Duke of Newcastle of the 23rd ultimo which were marked M, X, Y, and AA.*

I send to-day to Major-General Doyle copies of this despatch and of my despatches of the 24th, 29th, and 31st ultimo.

Inclosure 1 in No. 10.

Lieutenant-Governor Gordon to Lord Lyons.

My Lord,

Fredericton, New Brunswick, December 28, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 17th instant.

* Inclosures 11, 12, 13, 14, 26, 27, 30, and 31 in No. 5.

On the evening of the 22nd instant I received your Lordship's telegram informing me that the Secretary of State for the United States had demanded the extradition in the usual form of the parties therein named, and on the following morning I received a similar communication, accompanied by an official requisition from the United States' Consul at St. John.

I lost no time in directing the Law Officers of the Crown in this province to prepare the form of a warrant under the Act 6 and 7 Vict., cap 76, for the apprehension of the parties named. Unfortunately the Attorney and Solicitor-General were both absent from Fredericton, and some delay necessarily ensued in consulting them. It was not till late on the evening of the 24th that the warrant was prepared; as soon as it was signed I sent it down by express to St. John. Mr. Braine, however (the only one of the parties implicated who, so far as I am aware, was known to be in this province) is stated to have left St. John that morning.

Every exertion will no doubt be made to insure his arrest under the warrant just issued should he remain in this province.

I have, &c.
(Signed) ARTHUR H. GORDON.

Inclosure 2 in No. 10.

Lord Lyons to Mr. Seward.

Sir,

Washington, January 4, 1864.

I HAVE the honour to inform you that I have received a despatch from the Lieutenant-Governor of New Brunswick, informing me that he has issued a warrant for the apprehension of the persons whose extradition is demanded by your note to me of the 20th ultimo, and that every exertion will be made to insure their arrest should they be found within his jurisdiction.

I have, &c.
(Signed) LYONS.

Inclosure 3 in No. 10.

Lord Lyons to Lieutenant-Governor Gordon.

Sir,

Washington, January 4, 1863.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 28th ultimo, and to transmit to you a copy of a note in which I have informed the Secretary of State of the United States that you have issued a warrant for the arrest of the persons implicated in the affair of the "Chesapeake," whose extradition has been demanded by this Government.

I have, &c.
(Signed) LYONS.

Inclosure 4 in No. 10.

Lord Lyons to Major-General Doyle.

Sir,

Washington, January 4, 1863.

I HAD on the 26th ultimo the honour to receive your Excellency's despatch of the 23rd ultimo, inclosing a copy of a despatch which you had addressed on the same day to the Duke of Newcastle with regard to the affair of the "Chesapeake." I beg your Excellency to accept my best thanks for the full information which you have been so good as to send me respecting this affair.

The Secretary of State of the United States has repeatedly promised me that the assurance given in his note of the 18th ultimo shall be acted up to.

I have, &c.
(Signed) LYONS.

Inclosure 5 in No. 10.

*Lord Lyons to Major-General Doyle.*Sir, *Washington, January 4, 1864.*

I HAVE the honour to transmit to your Excellency copies of four despatches which I have addressed to Earl Russell, with regard to the affair of the "Chesapeake."*

These papers will make your Excellency fully acquainted with the communications which I have had on the subject with the United States' Government, since I had the honour to write to your Excellency on the 21st ultimo.

I have, &c.
(Signed) LYONS.

No. 11.

Lieutenant-Governor Gordon to the Duke of Newcastle.—(Received January 19, 1864.)

(Extract.)

Fredericton, New Brunswick, January 1, 1864.

IN my despatch of the 21st ultimo I had the honour to transmit to your Grace such information as I had at that time received with respect to the seizure, by certain parties, of the United States' steam-ship "Chesapeake."

The Administrator of the Government of Nova Scotia has, I am aware, already transmitted to your Grace a detailed report of all subsequent proceedings in reference to this vessel within the limits of his jurisdiction. It only remains for me to state to your Grace what has taken place here in connection with this subject since the date of my despatch of the 21st ultimo.

On the receipt of the intelligence of the capture of the "Chesapeake" in Washington, Her Majesty's Minister at that capital transmitted to me a telegraphic despatch, intimating the desire of the United States' Government for the detention of the "Chesapeake" and her captors, should she put into a port in New Brunswick.

On the morning of the 23rd ultimo I received from Mr. Howard, the United States' Consul at St. John, the requisition and depositions of which I have the honour to inclose copies.

I felt no hesitation in granting the desired warrant upon the Consul's requisition, and quite irrespectively of the depositions which accompanied it. It does not appear to me that my functions in such a case are in any respect judicial; and I hold that it is my duty, on the requisition of the proper authorities, to issue the warrant which empowers the local magistrates to take cognizance of cases which would otherwise be without their jurisdiction. I apprehend that it is then the duty of the magistrate to proceed precisely as he would had the alleged offence been committed within the limits of this Province, and to commit for trial or discharge from custody the parties accused according as the evidence laid before him may appear to warrant. I make this observation because although the construction of the Articles of the Treaty of Washington and of the Imperial Act of 6 and 7 Vict., cap. 76, appears to me plain and evident, I am aware that a variety of opinions are entertained on this subject, and that many persons hold, first, that the Lieutenant-Governor and other functionaries, mentioned in the first section of the Act, exercise a judicial authority and may grant or refuse the warrant according to the evidence laid before them; and secondly, that the warrant when issued is a positive order to arrest the parties named, for the purpose of delivering them up, and that the magistrate who acts under it has no discretion but to obey, and no power to examine witnesses or receive evidence to show why a committal should not take place. Both these views appear to me directly contrary to the plain language of the Treaty and the Act of Parliament, by which power is given me to enable the local magistrates to proceed—a power which I conceive I am bound to exercise when properly called on to do so, and in the event of the magistrate finding that the evidence laid before him is such as would induce him to commit the alleged offender for trial, had the offence been committed in this Province, that I am then further bound to issue my warrant for his extradition and surrender to the judicial authorities of the United States.

Whilst, however, I had no hesitation in granting the warrant on the Consul's requisition, I entertained some doubts how far I should be justified in directing the apprehension of persons who were not even alleged to be within this Province, as it appeared to me very questionable whether I could, simply as a measure of precaution against their subsequent entry into the Province at some future time, issue such a document.

* Nos. 4, 8, 9, and 10.

I had, in the meanwhile, learnt that three at least of the persons engaged in the seizure of the "Chesapeake" were in St. John's, and accordingly any doubts which I might have felt on account of their absence as to the propriety of issuing the warrant were set at rest, and immediately on the Solicitor-General's arrival a warrant was prepared, founded on one issued by Sir William Colebrook, in the year 1845, when Lieutenant-Governor of this province. Of this warrant I have the honour to inclose a copy for your Grace's information.

The warrant was sent down to St. John the same night, and on the following day two of the parties, David Collins and James Mackinley, were apprehended under a warrant issued by Mr. Gilbert, the police magistrate at St. John. Mr. Braine, who was also named in the warrant, had left St. John that morning, and is believed to have returned to Nova Scotia. Another of the parties implicated, Linns Seely, has, I understand, since been arrested in St. John.

The inclosed extracts from newspapers give, I believe, an accurate account of the proceedings before the Police magistrate.

On the 1st instant I received from the Honourable J. H. Gray, who has been retained to defend the parties, a letter of which, as well as of my reply, I have the honour to inclose a copy.

As the question how far the prisoners are entitled to copies of the requisition on which the warrant was issued is one of some importance, and also one on which great diversity of opinion is likely to exist, I have thought it right to consult the Law Officers of the Crown before giving a definite answer to Mr. Gray.

Inclosure 1 in No. 11.

Mr. Howard to Mr. Tilley.

*United States' Consulate, St. John, New Brunswick,
December 22, 1863.*

Sir,

I HAVE the honour to address, through you, a communication to the Lieutenant-Governor of the Province, for the purpose of requesting that his Excellency will be pleased to use the authority vested in him by the Act of Parliament for giving effect to what is known as the Ashburton Treaty, to the end that certain offenders may be apprehended and delivered up to justice.

You will please make known to his Excellency that as an officer of the Government of the United States, I am authorized by the Executive Department of that Government to make a requisition upon him as the officer administering the Government of the Province, in order that certain persons believed to be guilty of the crime of piracy may be brought before the proper officers of justice, so that the evidence of their guilt or innocence may be heard and considered.

I have therefore the honour to request that, in accordance with the provisions of the said Act of Parliament, his Excellency will by warrant signify that a requisition has been made for the apprehension of John C. Braine, H. C. Brookes, David Collins, John Parker Locke, Robert Clifford, Linns Seely, George Robinson, Gilbert Cox, Robert Cox, H. H. Parr and James McKinney, and require that all Justices of the Peace and other magistrates within the jurisdiction of this Province shall aid in apprehending the above-named persons accused of the crime of piracy for the purpose of having them brought to trial.

I am, &c.

(Signed) J. Q. HOWARD, *United States' Consul.*

Inclosure 2 in No. 11.

Depositions of Isaac Willets and Daniel Henderson.

Province of New Brunswick, city and county of St. John, to wit:

ISAAC WILLETS of the city of New York, in the State of New York, United States of America, captain of the steamer "Chesapeake," belonging to the United States of America, and Daniel Henderson, of the city of Portland in the State of Maine, one of the said United States, second mate of the said steamer, severally make oath and say, and first this deponent Isaac Willets for himself saith:—That he, this deponent, sailed in the said steamer from the said city of New York on Saturday, the fifth day of December instant, about four of the clock in the afternoon, bound for the city of Portland aforesaid,

with passengers and general cargo, and continued on the voyage to Portland aforesaid, and nothing material to be related occurred until Monday morning, the seventh day of December instant; when, about one of the clock, A.M., on the said morning, this deponent being asleep in his berth, the first mate of the said steamer, named Charles Johnson, came to this deponent's state-room, and called this deponent, and told him that some one had shot the second engineer of the said steamer; that this deponent got up and went aft as soon as he could, and found the second engineer lying on the upper deck, with his legs hanging down the gangway up which he had come; that this deponent was in the act of stooping down to pick up the second engineer, when two persons fired at this deponent; that as this deponent was endeavouring to get to his pilot-house, several shots were fired at him, and when he opened the door to go into the said house, he was collared by a person calling himself H. A. Parr, and a pistol was put to this deponent's face, and handcuffs were put on him, and they put this deponent in his room, and kept him there about an hour, and then took this deponent to the cabin and kept him there until daylight, when they brought the first mate and chief engineer to the same place, both of whom had been shot, the engineer in the chin, and the mate in the knee and arm; that afterwards this deponent was permitted to go about the steamer under guard as a prisoner; that this deponent could not perceive any life in the second engineer when he stooped to pick him up, and afterwards the said engineer was thrown overboard; that on Tuesday morning, about seven of the clock, the said steamer came to anchor in Seal-Cove Harbour, Grand Manan; that shortly after the steamer was anchored several persons, not of the crew of the said steamer, took a boat and went ashore, and about the middle of the said day steam was got on the said steamer, and she was steered towards the harbour of St. John; that about three of the clock on the said Tuesday afternoon the captors of the said steamer took this deponent into his state room, and compelled him to give up his money to them; the names of the persons who compelled this deponent to give up the said money, amounting to eighty-seven dollars, were John C. Braine, called Colonel, and H. A. Parr, styled First Lieutenant; that this deponent became acquainted with the names of the said John C. Braine and H. A. Parr, from the order which was served by them upon this deponent, and the said H. A. Parr addressed the said John C. Braine as Colonel; that about four of the clock in the afternoon of the said Tuesday, the pilot-boat "Simonds" ran alongside of us, and the steamer was ordered to stop, which was done, and a man came on board, who had a conversation with the said John C. Braine, and afterwards returned to the pilot-boat, when John Parker, alias John Parker Locke, came on board of the steamer from the said pilot-boat, and then the steamer was kept on her course until she came to Dipper harbour, when the pilot-boat was taken in tow by the said steamer, and the said John Parker, alias John Parker Locke, said that he would give this deponent ten minutes to get on board the said pilot-boat; that all of the crew of the said steamer went on board the said pilot-boat, with the exception of the first and third engineers, and three firemen, who were retained on board the said steamer; that this deponent saw the said steamer, in charge of her captors, continue on her way towards St. John, and this deponent was brought in the said pilot-boat to Partridge Island, and from that to the city of St. John, in a ship's boat, where he arrived about four of the clock on Wednesday morning, the ninth day of December instant; that John C. Braine, David Collins, George Robinson, and H. A. Parr were four of the persons engaged in the capture of the said steamer "Chesapeake," whose names this deponent knows; that the said John C. Braine was styled Colonel, the said H. A. Parr First Lieutenant, the said David Collins Second Lieutenant, and the said George Robinson Sailing-master, and when the said John Parker, alias John Parker Locke, came on board he was styled Captain; that there were fifteen persons in all engaged in the said capture, and this deponent does not know the names of the remaining eleven; that the said steamer, when she was captured by the said persons, was about twenty miles north of Cape Cod, and all of the said fifteen persons came on board of the said steamer as passengers at New York, bound for Portland as aforesaid, but without tickets, and said that they had not time to procure tickets, and all but two of the said persons paid the usual passage money, and the said two promised to pay when they arrived at Portland. And the said Daniel Henderson for himself saith that he was second mate on board the said steamer "Chesapeake," on her passage from New York to Portland aforesaid, on the fifth of December instant; that about one of the clock on Monday morning, the seventh instant, the door of this deponent's state-room was broken open on board the said steamer, and four persons stood in the door, and ordered this deponent to get up and put his clothes on; that all of the said four persons had pistols in their hands; that after this deponent got his clothes on they handcuffed him, and told him he was a prisoner to the Confederate States; that they refused to allow this deponent to see any person belonging to the said ship, but kept this deponent locked in his state-room in irons; that after this deponent had been locked in

his room about ten minutes, he heard a man knocked down in the pilot-house, which adjoined this deponent's room, and then this deponent burst open the door of his room and fell on deck, when two of the captor's took this deponent by the hair and dragged him into the pilot-house, where he remained until about seven of the clock on the said Monday morning; that at eight of the clock on the said morning they took this deponent to the cabin, where he was kept nearly all the time until the said steamer got to Grand Manaan, when this deponent was ordered on deck to clear away the chain, so as to let go the anchor, and from Grand Manaan this deponent came to St. John aforesaid, as stated by Isaac Willets, master of the said steamer; that Orin Schaffer, the second engineer of the said steamer, was missing from the said vessel when this deponent came on the deck of the said vessel on the said Monday morning, and this deponent heard several of the said captors, among others the said H. A. Parr, say that the said second engineer was killed, and had been thrown overboard; and this deponent further saith that the first mate, Charles Johnson, was shot in the right knee and the left arm, and the chief engineer, James Johnson, was shot in the chin, and retained on board the said vessel; that this deponent does not know the names of any others of the said captors, with the exception of the said H. A. Parr.

And these deponents, Isaac Willets and Daniel Henderson, both say that they are informed and fully believe that John C. Braine, H. C. Brookes, David Collins, John Parker Locke, alias John Parker, Linns Seely, George Robinson, Gilbert Cox, Robert Cox, James McKinney, Robert Clifford, and H. A. Parr, were, amongst others, the captors of the said steamer "Chesapeake," a steamer of the said United States, while on her passage from New York aforesaid to Portland aforesaid.

And these deponents further say that the said persons above-named, being passengers on board the said steamer, took forcible possession of the said steamer against the will of these deponents and the other officers and crew of the said steamer.

The said Isaac Willets and Daniel Henderson were severally sworn to the foregoing affidavit of the twenty-second day of December, A. D. 1863, before me, the said affidavit having been first read over and explained to the said Daniel Henderson, he appearing perfectly to understand the same.

(Signed) ISAAC WILLETS.

DANIEL HENDERSON, his X mark.

(Signed) H. J. GILBERT, *Police Magistrate for the
City of St. John.*

Inclosure 3 in No. 11.

Warrant.

BY His Excellency the Honourable Arthur Hamilton Gordon, C.M.G., Lieutenant-Governor and Commander-in-Chief of the Province of New Brunswick, &c.

TO all and every the Justices of the Peace and Officers of Justice within the Province of New Brunswick, Greeting.

Whereas in and by an Act of Parliament made and passed in the sixth and seventh years of the reign of Her Majesty Queen Victoria, entitled "An Act for giving effect to a Treaty between Her Majesty and the United States of America for the apprehension of certain offenders," it is among other things enacted "that in case requisition shall at any time be made by the authority of the said United States, in pursuance of and according to the said Treaty, for the delivery of any person charged with murder, or assault with intent to commit murder, or with the crime of piracy or arson, or robbery or forgery, or the utterance of forged paper, committed within the jurisdiction of the United States of America, who shall be found within the territories of Her Majesty, it shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and Officers of Justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the person so accused, and committing such person to gaol, for the purpose of being delivered up to justice, according to the provisions of the said Treaty; and thereupon it shall be lawful for any Justice of the Peace, or other person having power to commit for trial persons accused of crimes against the laws of that part of Her Majesty's dominions in which such supposed offender shall be found, to examine upon

oath any person or persons touching the truth of such charge, and upon such evidence as according the laws of that part of Her Majesty's dominions would justify the apprehension and committal for trial of the person so accused of the crime of which he or she shall be so accused had been there committed, it shall be lawful for such Justice of the Peace or other person having power to commit as aforesaid to issue his warrant for the apprehension of such person, and also to commit the person so accused to gaol, there to remain until delivered pursuant to such requisition as aforesaid."

And whereas in pursuance of and in accordance with the said Treaty and Act, a requisition has been made to me on behalf of the said United States by J. Q. Howard, Consul of the said United States, in the city of St. John, in this Province, stating that John C. Braine, H. C. Brooks, David Collins, John Parker Locke, Robert Clifford, Linns Seely, George Robinson, Gilbert Cox, Robert Cox, H. H. Parr, and James McKinney, charged upon oath of Isaac Willett and Daniel Henderson, with having committed the crimes of piracy and murder on the high seas within the jurisdiction of the said United States of America, on the seventh day of December instant, all or some of them are now in the city of St. John, within this province, and requesting that the said John C. Braine, H. C. Brookes, David Collins, John Parker Locke, Robert Clifford, Linns Seely, George Robinson, Gilbert Cox, Robert Cox, H. H. Parr, and James McKinney, may be delivered up to justice according to the provisions of the said Treaty.

Now know ye, that pursuant to the power in me vested in and by the said Act of Parliament, I do hereby by this warrant under my hand and seal, signify that such requisition has been so made, and hereby require and command all Justices of the Peace and other Magistrates and other officers of Justice of this Province, within their several jurisdictions, to govern themselves accordingly and to aid in apprehending the said John C. Braine, H. C. Brooks, David Collins, John Parker Locke, Robert Clifford, Linns Seely, George Robinson, Gilbert Cox, Robert Cox, H. H. Parr, and James McKinney, so accused, and committing them the said John C. Braine, H. C. Brooke, David Collins, John Parker Locke, Robert Clifford, Linns Seely, George Robinson, Gilbert Cox, Robert Cox, H. H. Parr, and James McKinney, to gaol for the purpose of being delivered up to justice according to the provisions of the said Treaty; and hereof they will not fail at their peril.

Given under my hand and seal, Fredericton, in this province of New Brunswick, this twenty-fourth day of December, in the twenty-seventh year of Her Majesty's reign, A.D. 1863.

By his Excellency's command,
(Signed) J. L. TILLEY.

Inclosure 4 in No. 11.

Mr. Gray to Lieutenant-Governor Gordon.

May it please your Excellency,

St. John, December 31, 1863.

TWO persons named David Collins and James McKinney having been arrested under warrant issued by the police magistrate, Mr. Gilbert, charged with piracy and murder in the matter of the steamer "Chesapeake," which warrant recites a previous warrant issued by your Excellency on the requisition of Mr. Howard, the American Consul at this port, against the said persons and other persons named therein, and Mr. Weldon and myself having been retained to defend the prisoners, we have to request from your Excellency on their behalf, copies of the requisition made by Mr. Howard, and of any other papers, depositions, documents, or warrants laid before your Excellency under the Extradition Treaty with the United States, on which your Excellency's warrant was founded. I conceive the parties arrested are legally entitled to this information.

If not requesting too much, as the parties are to be brought up on Monday, the 4th of January next, I should feel obliged by your Excellency's permitting me to have the copies before that time, and also that they may be certified as copies by your Excellency.

I have, &c.
(Signed) J. HAMILTON GRAY.

Inclosure 5 in No. 11.

Captain Moody to Mr. Gray.

Sir,

Fredericton, January 2, 1864.

I AM directed by his Excellency the Lieutenant-Governor to acknowledge the receipt of your letter of the 31st ultimo, in which you make application to his Excellency to be

furnished with copies of a warrant lately issued by his Excellency under the Extradition Treaty with the United States, authorizing the arrest of certain persons therein named, as well as for copies of any application that may have been made to his Excellency by the United States' Consul at St. John on this subject, and of the depositions by which such application may have been accompanied. I am further directed to inform you that his Excellency will lose no time in consulting the Law Officers of the Crown on the subject of your application, and his Excellency's reply shall be communicated to you with the least possible delay.

I have, &c.
(Signed) HARRY MOODY.

No. 12.

Major-General Doyle to the Duke of Newcastle.—(Received January 19, 1864.)

*Government House, Halifax, Nova Scotia,
January 6, 1864.*

My Lord Duke,

ON the 24th ultimo I had the honour to transmit to your Grace two despatches, dated 23rd and 24th December, respecting the "Chesapeake."

The course then decided upon by my Government, to place the ship in the Court of Vice-Admiralty, has been carried out, and the Advocate-General having completed the necessary documents for that purpose, she has this day been put into that Court.

I have further to inform your Grace that I have caused all the goods landed from the "Chesapeake" in country districts of this Province that could be found, to be seized and brought to this port, where they are now stored, and will remain subject to the decision of the Court.

A formal requisition for the extradition of John C. Braine, H. A. Parr, John Parker Locke alias Vernon G. Locke, David Collins, George Robinson, John Wade, and others, has been made through Lord Lyons by the Secretary of State at Washington, but no action has been taken upon it, as I had previously granted my preliminary warrant for that purpose upon the application of the United States' Vice-Consul at this port.

None of the persons named in the requisition of the United States' Secretary of State have been apprehended in this Province, although every facility has been afforded by the Government here for that purpose, even to granting military aid to the civil power upon the request of his Worship the Mayor of this city, as will be seen by reference to the annexed copies of letters from that functionary.

The persons accused of interfering with the arrest of Wade at the time he was surrendered by the United States' authorities and discharged from custody, were served with legal notice to appear before the proper authorities to answer that charge, and upon their application for time to prepare their defence, their case was remanded until Monday the 11th instant, when I have no doubt they will be required to give bonds for their appearance at the first sitting of the Supreme Court.

The Commission issued by me to investigate the alleged rescue of Braine at Petite Rivière proves that at the time referred to, no legal process had been taken out against him.

I herewith inclose a copy of a despatch from Lord Lyons dated 21st December, and received by me on the 25th, and communicating the substance of an interview between the Secretary of State at Washington and his Lordship.

In conclusion, I may add that I shall await with much anxiety the opinion of Her Majesty's Government upon the course which I have felt it my duty to adopt throughout this intricate matter, in which it has been my anxious endeavour to uphold the honour of the Crown, and at the same time avoid any just cause of offence to the Government of the United States.

I have, &c.
(Signed) HASTINGS DOYLE,

Inclosure 1 in No. 12.

Lord Lyons to Major-General Doyle, December 21, 1863.

[See Inclosure 8 in No. 3.]

Inclosure 2 in No. 12.

*The Mayor of Halifax to Mr. Tupper.*Sir, *Mayor's Office, Halifax, Nova Scotia, December 29, 1863.*

I HAVE received an intimation from the legal adviser of the United States' Consul that John C. Braine is expected to arrive in this city by the evening train from Truro this day at 6:30 P.M., coupled with a request that the warrant issued for his apprehension may be executed.

As there is reason to apprehend, from the occurrences of a previous day, that the police force under my control may not be sufficient for that purpose, and as in your letter to me of the 19th instant you state that in such an event his Honour the Administrator of the Government will place at my disposal any force which may be required I have now to request that you will obtain from his Honour permission for a company of soldiers to aid me in carrying out the law.

I have, &c.
(Signed) P. CARTERET HILL.

Inclosure 3 in No. 12.

*The Mayor of Halifax to Mr. Tupper.*Sir, *Mayor's Office, Halifax, Nova Scotia, December 30, 1863.*

I HAVE the honour to request that you will convey to his Honour the Administrator of the Government my thanks for the military aid so promptly afforded me yesterday in the intended arrest of John C. Braine.

I regret to say that the effort was unsuccessful, although no precautions were omitted for securing the object in view; I directed two policemen to proceed with the warrant to the Bedford Station (about nine miles from the town), and to return to town by the evening train from Truro. If Braine should be a passenger they were to arrest him and hand him over to the City Marshal, who was directed to be at the terminus with a strong force to receive him.

I was present myself on the arrival of the train, as was also the City Marshal with the whole available police force, aided by a military party of sufficient strength to overcome any attempt at interference, should such have been contemplated.

I had requested the American Consul to send some person to accompany the police who could identify Braine, and an engineer and fireman of the "Chesapeake" were accordingly sent for that purpose.

No passenger, however, could be found in the train, after a most thorough search, bearing any resemblance to Braine.

As it was possible that for the purpose of misleading the authorities, he might have exchanged at one of the country stations from the Truro to the Windsor train, I thought it prudent to await the arrival of the latter, but with equally unsuccessful results.

I have, &c.
(Signed) P. CARTERET HILL.

No. 13.

*Major-General Doyle to the Duke of Newcastle.—(Received January 19, 1864.)*My Lord Duke, *Government House, Halifax, Nova Scotia, January 6, 1864.*

WITH a view to keep your Grace thoroughly acquainted with all the particulars concerning the affair of the "Chesapeake," and in connection with my despatch dated this day, I have the honour to transmit, for your information, the copy of a despatch which I have this day addressed to Lord Lyons on the subjects treated upon in the despatch to your Grace which I have referred to above.

I have, &c.
(Signed) HASTINGS DOYLE.

Inclosure in No. 13.

Major-General Doyle to Lord Lyons.

My Lord,

Government House, Halifax, Nova Scotia, January 6, 1864.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of December 22, communicating the application of the Honourable W. H. Seward, Secretary of State at Washington, for the extradition, under the Treaty, of John C. Braine, H. C. Parr, John Parker Locke, *alias* Vernon G. Locke, David Collins, George Robinson, John Wade, and others, but upon which no action has been taken, as I had previously granted my preliminary warrant for the apprehension of the same persons upon the requisition of the Vice-Consul of the United States at this port.

I beg also to inclose herewith a corrected copy of my despatch of the 23rd ultimo to his Grace the Duke of Newcastle, to be substituted for the copy previously forwarded to your Lordship, as some slight alterations were made in that document before it was forwarded to England. I also transmit, for your information, my second despatch of the 24th of December, forwarded to his Grace by the same post.

As your Lordship has been already addressed by telegraph, my Government having decided to put the "Chesapeake" into the Court of Vice-Admiralty precluded the adoption of any suggestion to dispose of her by the direct action of the Government.

Surrounded as this matter is with complicated legal questions, the course thus taken to secure the decision upon them of a Judicial Tribunal will, I doubt not, meet with your approval.

Although no apprehension on the part of my Government existed as to the safety of the "Chesapeake" from any attempt to interfere with her, I felt it my duty to take every precaution to put that beyond doubt by placing an armed party on board, and mooring her securely in Halifax dockyard.

The Advocate-General has been engaged in completing the necessary papers, and she was this day handed over to the Court of Vice-Admiralty.

I have further to inform your Lordship that having learned that goods had been landed from the "Chesapeake" in the country districts in this province, I despatched duly commissioned Revenue Officers in search of them, and they have seized all that could be found, and sent them to this port, where they are now warehoused, and will abide the decision of the Court.

As your Lordship has been already advised, I issued a commission to investigate the charge contained in a telegram to the Vice-Consul here, to the effect that Braine had been arrested at Petite Rivière, but rescued by the people. The report of this Commission proves that statement was inaccurate, as Braine had not been served with any legal process on the occasion referred to.

Up to the present time none of the parties against whom warrants were issued have been apprehended in this province, although every facility has been rendered by my Government for that purpose.

In accordance with my previous letter to his Worship the Mayor of this city, offering any assistance the civil power might require, that officer made application to me to aid him with a military force a few days since, when Braine was expected here by the railway train. This was promptly granted, and every means taken to secure him, but in vain, as he was not found.—(*Vide* accompanying copies of letters from the Mayor.*)

The parties accused of having prevented the arrest of Wade were summoned to appear before the proper authorities with a view to requiring bonds for their appearance to answer that charge at the first sitting of the Supreme Court in April next; upon their application for time for defence the case was remanded until Monday the 11th instant.

In conclusion, I beg to say that I will keep your Lordship informed of any additional facts that may transpire in connection with this matter.

I have, &c.

(Signed) HASTINGS DOYLE.

No. 14.

Earl Russell to Lord Lyons.

(Extract.)

Foreign Office, January 21, 1864.

I LOST no time in referring to the Law Officers of the Crown your Lordship's several despatches of the 11th, 15th, 21st, and 24th of December, respecting the case of

* Inclosures 2 and 3 in No. 12.

the "Chesapeake," together with the reports received from the Colonial authorities up to the date from the Colonies of 23rd of December.

I shall now submit to the Law Officers your subsequent despatches on the same subject of the 29th, 31st ultimo, and 4th instant, and reports received from the Colonies.

In the meantime, the only point to which I have more especially to call your Lordship's attention is the unqualified condemnation pronounced by the Law Officers of the wilful and flagrant violation of Her Majesty's territory committed by the officers of the United States' Naval Service; a condemnation in which I cannot doubt the Law Officers of the United States' Government, on being consulted by Mr. Seward, will fully concur. But I am happily relieved from the necessity of dwelling on this part of the case by the frank and cordial assurances at once given to you by Mr. Seward of the readiness and desire of the Government of the United States to make all proper and suitable reparation for the acts of their officers.

No. 15.

Lord Lyons to Earl Russell.—(Received January 24.)

My Lord,

Washington, January 12, 1864.

WITH reference to my despatch of the 4th instant I have the honour to transmit to your Lordship copies of further correspondence relative to the affair of the "Chesapeake." The last paper is a copy of a note dated the 9th instant, which I have just received from Mr. Seward.

It appears to contain a full apology for the violation of the British territorial jurisdiction committed by the United States' officers, and concludes by saying that, fully determined to make all the amends that are due to Great Britain, this Government will await the consideration of Her Majesty's Government upon the case as it is now submitted.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 15.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, January 5, 1864.

I HAVE had the honour to receive your Lordship's note of the 4th instant, by which I learn that his Excellency the Lieutenant-Governor of New Brunswick has issued a warrant for the apprehension of the persons whose extradition has been demanded by me upon a charge of complicity in the piracies committed on board the "Chesapeake," and that due exertion will be made to secure their arrest if found in that province.

Your Lordship will please accept my acknowledgments for this gratifying information, so honourable to the administration of his Excellency and to the Government he represents.

I have, &c.
(Signed) WM. H. SEWARD.

Inclosure 2 in No. 15.

Lord Lyons to Lieutenant-Governor Gordon.

Sir,

Washington, January 5, 1864.

WITH reference to my despatch of yesterday I have the honour to transmit to your Excellency a copy of the answer which the Secretary of State of the United States has made to the note in which I informed him that your Excellency had issued a warrant for the arrest of the parties implicated in the affair of the "Chesapeake," whose extradition had been demanded by the Government of the United States.

I have, &c.
(Signed) LYONS.

Inclosure 3 in No. 15.

*Mr. Seward to Lord Lyons.**Department of State, Washington, January 9, 1864.*

THE Undersigned, Secretary of State of the United States, has the honour to present his respects to the Right Hon. Lord Lyons, accredited to this Government as the Minister Plenipotentiary of Her Britannic Majesty, and to state that he has submitted to the President certain papers which were placed in the hands of the Undersigned by his Lordship on the 2nd day of this month, and which are described as follows:—

1. Memorial of Susan Henry.
2. Affidavit of John E. Holt.
3. Memorial of John E. Holt.
4. Affidavit of John E. Holt.
5. Provincial Secretary to Mayor of Halifax, 19th December, 1863.
6. Mayor of Halifax to Provincial Secretary, 19th December, 1863.
7. Same to same, 22nd December, 1863.
8. City Marshal to Mayor of Halifax, 21st December, 1863.
9. Police Constable Hutt to City Marshal, 21st December, 1863.

The Undersigned is authorized, in the first place, to express to his Lordship his appreciation of the delicacy of the manner in which his Lordship has thus, without formal complaint, brought to the notice of this Government the fact that the Commander and other officers of the United States' steamer "Ella and Annie," in their recent visit at Halifax, in pursuit of pirates who had captured the American steamer "Chesapeake," and taken refuge within British jurisdiction, directly violated the sovereignty of Her Majesty, by the assumption of power and authority in the name of the United States, as well on board the said steamer "Chesapeake" as on board the British schooner "Investigator," while within British waters, without having obtained consent thereto of the authorities of Her Majesty's Government there or elsewhere. The Undersigned observes that in some of these papers it is represented that the acts of power and authority referred to were attended with circumstances of severity, rigour, and insult to British subjects. The Undersigned, however, thinks that it sufficiently appears from the papers that the rigour and severity alleged were not greater than were necessary to secure the persons of the pirates in pursuit of whom the officers complained of were engaged, and to deliver them up to the British authorities of that place. He hopes that this view of the case may be taken by Her Majesty's Government. The Undersigned would observe, in the next place, that the "Chesapeake" and the prisoners were promptly delivered to those authorities, in compliance with the instructions of this Department. The Undersigned is further authorized to assure Her Majesty's Government, in the spirit of a former communication made by the Undersigned to his Lordship relating to the capture of the "Chesapeake" in British waters, that the President disapproves and regrets the act of force, power, and authority which was exercised by the officers of the "Ella and Annie" within British waters on the occasion mentioned, as a violation of the law of nations and of the friendly relations existing between the two countries so greatly to the satisfaction of the United States and to the advantage of both nations.

The President has reason to believe that the proceedings thus disapproved were taken by the officers concerned under the influence of a patriotic and commendable zeal to bring to deserved punishment outlaws who had offended against the peace and dignity of both countries. The President, while he recognizes this circumstance as modifying the character of the transaction, and mitigating the censure to be bestowed upon it, nevertheless freely concedes that it does not constitute a justification for the violation of the sovereignty of Great Britain which those officers have committed. He has therefore directed that they shall be censured for this violation, and he will take such other means as may be necessary to prevent a recurrence of the grievances complained of. Fully determined to make all the amends that are due to Great Britain in the premises, the Undersigned will await the consideration of Her Majesty's Government upon the case as it has now been submitted.

The Undersigned, &c.

(Signed)

WILLIAM H. SEWARD.

No. 16.

Lord Lyons to Earl Russell.—(Received January 31.)

(Extract.)

Washington, January 18, 1864.

I HAVE the honour to transmit to your Lordship herewith further papers relative to the affair of the "Chesapeake."

Your Lordship will perceive that I have communicated to Mr. Seward an extract from a despatch from Major-General Doyle, and other papers giving the reasons for sending the case of the "Chesapeake" before the Vice-Admiralty Court, and recounting the endeavours made to arrest one of the men whose extradition has been demanded by this Government.

I have informed Major-General Doyle, in general terms, that Mr. Seward has addressed a note to me expressing regret and disapproval on the part of the President with regard to the proceedings of the United States' naval officers in Nova Scotian waters.

Among the inclosures in the present despatch is a copy of a note from Mr. Seward demanding the extradition of the men concerned in the affair of the "Chesapeake" from Canada. I immediately communicated this demand by telegraph to Lord Monck, and I sent him by the first post a copy of the note.

Inclosure 1 in No. 16.

Lord Lyons to Mr. Seward.

Washington, January 13, 1864.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, has the honour to acknowledge the receipt of the note dated the 9th instant, which the Honourable W. H. Seward, Secretary of State of the United States, has addressed to him, with regard to the proceedings in Nova Scotia of United States' naval officers engaged in the pursuit of the steamer "Chesapeake."

The Undersigned has hastened to communicate a copy of the Secretary of State's note to Her Majesty's Government.

He begs, &c.

(Signed) LYONS.

Inclosure 2 in No. 16.

Major-General Doyle to Lord Lyons.

(Telegraphic.)

Halifax, January 14, 1864.

THE examination of witnesses for the Crown against Doctors Almen and Smith and Mr. Keith, accused of having assisted Wade to escape, occupied from 12 to half-past 7 on the 11th instant, and the facts were brought out too clearly for misapprehension. The substance of Lieutenant Reyne's report, which is in your possession, was proved in every particular.

1. The civilians on the Queen's Wharf, which is a very large one, were not in all forty, and are of respectable position.

2. Not a shadow of evidence of concert or premeditation to obstruct arrest of Wade.

3. Only the three gentlemen above named at all implicated; the latter two in the slightest degree possible, and after a struggle between Dr. Almen and the constable had commenced.

4. No arrest made; the obstruction, Dr. Almen calling a boat proceeding in the stream, and interfering with constable's pistol when presented against the boat. All three above-named bound over to stand their trial at the first sitting of the Supreme Court; I waiting until recognizances were completed—which they were not till yesterday—to telegraph to you.

Inclosure 3 in No. 16.

Lord Lyons to Mr. Seward.

My dear Sir,

Washington, January 16, 1864.

I SEND you herewith the papers relative to the affair of the "Chesapeake" which I showed you this morning. I have added a copy of a letter from the Mayor of Halifax to the Provincial Secretary.

The papers inclosed comprise, therefore, an extract from a despatch from General Doyle, Administrator of the Government of Nova Scotia, to me, dated the 6th instant,

copy of a telegram from General Doyle to me dated 14th instant, and a copy of a letter from the Mayor of Halifax to the Provincial Secretary dated the 30th December last.

Believe me, &c.
(Signed) LYONS.

Inclosure 4 in No. 16.

Lord Lyons to Major-General Doyle.

Sir, *Washington, January 18, 1864.*

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 6th instant relative to the affair of the "Chesapeake."

I have communicated to the Secretary of State of the United States an extract from that despatch comprising the whole of it, with the exception of the second paragraph, which relates only to the copies of despatches from your Excellency to the Duke of Newcastle. I have also communicated to the Secretary of State of the United States a copy of a letter from the Mayor of Halifax to the Provincial Secretary of the 30th December, respecting the endeavours made to arrest Braine.

I have, &c.
(Signed) LYONS.

Inclosure 5 in No. 16.

Lord Lyons to Major-General Doyle.

Sir, *Washington, January 18, 1864.*

WITH reference to my previous despatches respecting the affair of the "Chesapeake," I have the honour to inform your Excellency that I have received a note from the Secretary of State of the United States, expressing the President's regret for and disapproval of the act of force exercised by the officers of the United States' ship "Ella and Annie" in Nova Scotian waters.

I have, &c.
(Signed) LYONS.

Inclosure 6 in No. 16.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, January 13, 1864.*

REFERRING to my note of the 20th ultimo, relative to the extradition of John C. Braine, H. A. Parr, John Parker Locke, *alias* Vernon G. Locke, David Collins, George Robinson, John Wade, and others, fugitives from the justice of the United States, then supposed to have taken refuge in the British province of New Brunswick or of Nova Scotia, I now have the honour to inform you that it is possible that the fugitives above-named, especially John C. Braine, may have taken refuge in Canada; I will consequently thank you to take the necessary measures for their delivery up by the Canadian authorities, in pursuance of the Xth Article of the Treaty of Washington.

I have, &c.
(Signed) W. H. SEWARD.

Inclosure 7 in No. 16.

Lord Lyons to Viscount Monck.

My Lord, *Washington January 13, 1864¹*

I HAVE the honour to transmit to your Excellency a copy of a note which I have just received from the Secretary of State of the United States, demanding the extradition under the Treaty of certain persons therein named.

I have, &c.
(Signed) LYONS.

No. 17.

Earl Russell to Lord Lyons.

(Extract.)

Foreign Office, February 3, 1864.

YOUR several despatches respecting the case of the "Chesapeake," together with the papers which have been received by the Secretary of State for the Colonies from the Colonial authorities in North America, have been submitted to the Law Officers of the Crown, for their opinion on the different questions raised in them.

The readiness which Mr. Seward, in his first communication with your Lordship, manifested to make all proper and suitable reparation for the acts of the United States' officers has rendered it unnecessary for me to insist upon the questions which, under other circumstances, it would have been my duty at once to instruct your Lordship to discuss with the Government of the United States, namely, the wilful and flagrant violation of Her Majesty's territory by the officers of the United States' cruiser "Ella and Annie."

The Government of the United States having subsequently made, as reported in your Lordship's despatch of the 12th of January, a full apology for the violation of Her Majesty's territory committed by its officers in the case of the "Chesapeake," it is only necessary for me to authorize your Lordship to state to Mr. Seward that Her Majesty's Government accept that apology in the same spirit in which it has been offered, and are truly glad that the matter has been settled in a manner honourable to both parties, and calculated to improve the friendly relations which Her Majesty's Government are always anxious to maintain with the Government of the United States.

No. 18.

Lieutenant-Governor Gordon to the Duke of Newcastle.—(Received February 1, 1864.)

(Extract.)

Fredericton, January 18, 1864.

I HAVE the honour to transmit for your Grace's information the inclosed Report of the examination before the Police Magistrate at St. John of the individuals charged with being concerned in the alleged piratical seizure of the United States' steamer "Chesapeake."

In my despatch of the 1st instant I had the honour to inform your Grace that the Honourable J. H. Gray of St. John had applied to me, in behalf of the accused, for copies of the requisition of the United States' Consul upon which my warrant, authorizing the arrest of the parties, was issued, and of the depositions accompanying that requisition. I also transmitted to your Grace copies of Mr. Gray's letter and of my reply.

I accordingly transmitted the required documents to Mr. Gray, along with the letter of which I have the honour to inclose a copy, and in which my reasons for declining to entertain his application as a matter of right, whilst I acceded to it as an act of courtesy, for which persons in the position of the accused might fairly look, are fully stated.

I hope the course which I have pursued may meet with the approval of Her Majesty's Government, and I have much gratification in finding from a despatch from Lord Lyons, of which I inclose a copy,* that the Government of Washington are fully satisfied with the action taken in at once authorizing the arrest of the parties implicated.

I have received information that, in the event of the conviction of the accused, an attempt to rescue them may possibly be made. I need hardly assure your Grace that I shall take effectual means to prevent the possibility of such an occurrence should it appear that there is any reason for apprehending the design to be seriously contemplated.

* Inclosure in No. 15.

Inclosure 1 in No. 18.

Examination before the Police Magistrate, St. John's, New Brunswick, of Persons accused of seizing the steamer "Chesapeake."

Examination of Lieutenant Collins and Privates McKinney and Seeley, at the Police Court, yesterday.

St. John, January 5, 1864.

ELEVEN o'clock yesterday was the hour fixed for the examination or "trial" of Lieutenant David Collins and Privates — McKinney and Linus Seeley, before the Police Magistrate, H. T. Gilbert, Esq., arrested on a requisition from the American Consul in this city, on the charge of piracy and murder on an American vessel. But long before eleven the Court was crowded to suffocation, and the policemen were compelled to hold the doors to prevent further ingress. There were many barristers, merchants, editors, and other "leading citizens" present, and the deepest interest was manifested in the proceedings. Messrs. Wetmore and Tuck appeared on behalf of the Federal authorities, and Messrs. Gray and C. W. Weldon for the Confederates.

Before the case opened, Mr. Gray asked Mr. Wetmore to elect upon which charge he would now proceed, and to state in whose name he was proceeding. Mr. W. replied that he would only state that he was proceeding upon the complaint of Isaac Willets. He first said he would take up the charge of murder, and subsequently decided to proceed with that of piracy, in the first instance. Mr. Gray then objected:

1. That this Court has no power or jurisdiction to try for the offence of piracy. That for the trial of piracy a Special Commission must issue and a Court be specially constituted for the purpose; and that such Court is distinctly provided for by the Imperial Act.

2. That the Warrant was insufficient. It does not show upon the face facts which are essential, under the Treaty with the United States, to bring this matter into the Courts of this Province, or to create the special jurisdiction which enables us to arrest parties under those charges. [Mr. Gray cited the case of Dillan, charged with an offence on the sea beyond Provincial jurisdiction (stabbing, we think it was,) who was arraigned before Judge Parker, and discharged. And Mr. Weldon cited the case of the brig "Eliza," in 1847.]

3. Not only is the Warrant insufficient on these grounds, but on the face of it is bad as charging two distinct offences triable before two different tribunals. There ought to be two Warrants:

Mr. G. thought these objections fatal to any proceedings. Mr. Wetmore replied at some length, and read a large portion of the Provincial Act passed to give effect to the Extradition Treaty. He claimed that everything so far was regular, and that the Magistrate could not go back of the Warrant, which was sufficient authority for him. The Magistrate told Mr. Gray that there was probably something in his argument; but that at present he would proceed with the preliminary examination, and if he decided before the case was through that he had no jurisdiction he would give the prisoners the benefit of it.

Mr. Wetmore for the prosecution called Isaac Willets, the Captain of the "Chesapeake" before her capture by Braine.

Evidence of Captain Willets.

Captain Isaac Willett sworn: Am a citizen of the United States; live in Brooklyn. A seaman for thirty years. Know the "Chesapeake," owned by H. B. Cromwell, also a citizen of United States. Was master of her in December, and had been for seventeen months. She was rebuilt in New York about three years ago. Previous to that she was called the "Totten." [Mr. Wetmore asked where she was registered. Both Messrs. Gray and Weldon jumped to their feet and objected to the question. The Magistrate agreed with them.] During these seventeen months the vessel plied between New York and Portland. She had a coasting licence. [Mr. Gray objected to any evidence respecting contents of this license; objection sustained.] He had the paper until it was taken away from him on board the ship. On the 4th and 5th of December I had charge of the "Chesapeake," then lying in North River taking in cargo for Portland. Most of the freight was taken in on the 5th, Saturday. She carried passengers also. I saw these three prisoners on board on the trip in question. Saw them first about supper time, about 6 o'clock in the evening. We left New York on the 5th December; I was in the wheel-house when the vessel left the wharf. They did not buy tickets, paid their money on board. I identify Collins and recognize the others. I wrote their names on a piece of paper and gave it to the stewardess to arrange rooms for them. [Wetmore asked names of the other

persons on board. Gray objected; objection over-ruled.] There was a person who called himself John C. Braine, said he was a Colonel. Understood there was a person named Brooks. Don't recollect the names of Seely and Clifford. All the passengers paid their passage except two. We proceed direct to Portland from New York; do not call. The vessel, a propeller, was worth from 60,000 to 70,000 dollars. There was an assorted cargo, flour, sugar, wine, and such like. Do not recollect the owners. Do not know its value. Probable 80,000 or 100,000 dollars.

There was no disturbance until Monday morning, 8th. We were then about twenty miles north north-east of Cape Cod. Cape Cod is in the United States. About a quarter past 1 in the morning, the first thing I knew the chief mate, Charles Johnson, came to my room and called me saying somebody had shot the second engineer, Orin Shaffer. I turned out of my room and went to see how badly he was shot, and had hardly time to get out of my room before I was shot at. I was at the engine-room door, on the upper deck where my room was. I found the body of the second engineer lying on the deck; it's more than I could tell whether he was alive or dead; he appeared to be dead. I was in the act of stooping down to raise him up, when I was shot at twice. I then walked forward and was shot at again. I supposed to be from a pistol; next day I saw two places in the floor where pistol balls had gone through right by where I was. I can't tell who shot at me. I only saw two persons then. I cannot identify either of these prisoners as the parties. I saw no marks of violence on the engineer, but I saw marks of blood where his head lay. When I walked forward I was going into the pilot-house, when I was collared and a pistol was put to my face by First Lieutenant H. A. Parr, who was in the pilot-house. He collared me and said I was his prisoner in the name of the Southern Confederacy. Parr put the irons on me, two or three others stood beside him. They seemed to be standing there doing nothing. He put handcuffs on each wrist. The irons could be made small or large. They put me into my own room; I could have come out when I pleased. No use for them to lock the door. I don't know what became of the body of the chief mate, except what I heard from the others. I was confined an hour, when Parr and sailing-master Robinson came to me. They didn't say much, but took me into the cabin; there I saw some of the other passengers who were not concerned in the affair. While I was here the chief mate Charles Johnson and chief engineer James Johnson were brought in wounded; I had heard reports of fire-arms. The mate was wounded in the right knee and left arm. The wounds appeared to be made by pistol shots. I saw the leaden ball taken out of the mate's arm. He suffered considerably from the knee, not so much from the arm. Lieutenant Parr took the ball out of the arm. The chief engineer was wounded by a bullet in the hollow of the chin. Parr said he would get the balls out of them if he could, and fix the wounds. The chief mate laid on a lounge until he was put on board of the pilot boat. I remained in the after cabin until 8 next morning. The irons were then taken off and Robinson went up to my room on deck with me; I was in the room a few minutes and returned to the cabin. When on deck I saw Collins and Seely there; Seely was scrubbing brass on one of the timber heads; the others did not appear to be doing anything in particular. Colonel John C. Braine took my ship's papers from me in the afternoon before I was landed in the pilot-boat. Braine seemed to have command of the vessel; she was taken from me by these parties against my will and consent. I saw McKinney on board the vessel. They seemed to be about the vessel and appeared to be eating the grub up as fast as possible. Don't recollect of seeing McKinney doing anything. The person who was navigating the vessel was named Robert Osburne, a passenger, one of the six who bought tickets in New York. None of the parties named in the indictment had tickets. The first land we made after they took possession was Mount Desert. I asked them where they were going, they said Grand Manan; I asked where they intended to land me, they said St. John. Mount Dessert is on the American coast east of Portland. I would not see it if I were prosecuting a voyage from New York to Portland. After passing Mount Dessert we saw land east of that place. We proceeded to Seal Cove Harbour, Grand Manan. The boat was lowered, three or four men went ashore, remained a little while and came on board again, when the steamer left and came up the bay to St. John. Next I was taken up to my room by Braine and Parr, Parr made a copy of Braine's instructions and Braine gave it to me. He ordered me to give up the coasting licence, the permits for the cargo, and the money I had collected from Braine for his party, in all 87 dollars. He asked for the money he had paid over to me; it was my employer's; I knew it would be worse for me if I did not; I handed it over against my will; Braine had a pistol in his hand at the time; I handed money, ship's papers and permits to him. The "papers" were the ship's "coasting licence" from the New York Custom-house, under which she was coasting at the time, as required under the American law. After this they took me away from the room and took me aft (Braine and

Parr) and ordered me to stay there. We then saw a pilot-boat. We were on our way to St. John. The pilot-boat ordered us to stop; some one came on board the steamer from her, stayed a few minutes and returned. Then Captain John Parker came on board and apparently took command. They then took the pilot-boat in tow and steamed up to Dipper Harbour. All of the passengers and crew, except two engineers (James Johnson and Auguste Striebeck) and three firemen (Patrick Conner was one), were put on board the pilot-boat. The firemen and engineers were kept against their will. Those who went on board the pilot-boat were myself, Charles Johnson, chief mate, Daniel Henderson, three boys and four sailors, whose names I do not recollect, the stewardess and five passengers. One of the passengers belongs some thirty miles back of St. John, the other four belonged to Maine. These five passengers had tickets. Robert Osburn remained on board the "Chesapeake," he also had a ticket. The steamer towed the boat some five or seven miles and let go of us; we were put on board the boat about 5 in the evening: that was the last we saw of the steamer. I landed in St. John about 4 on Wednesday morning. I got a boat from a big ship near Partridge Island and came to town with four of my men and two passengers. From the way the parties acted on my steamer I was afraid of my life. Everything was taken against my will. I saw one or two of these prisoners on watch, they were on deck. I supposed they were on watch. They seemed to be acting as other men would who were on watch. Braine's party assisted him in charge of the vessel. As far as I know these men were assisting him. I did not see them making sail, or shovelling coal. I don't recollect of seeing Collins or McKinney doing anything except being on deck.

Cross-examined by Mr. Gray.—I don't deny there has been war in my country for two or three years between those calling themselves Confederate States and the so-called United States.

[Mr. Wetmore objected to this as an improper way of proving a state of war. The Magistrate did not think this evidence could be shut out.]

I can't remember how many States are called the Confederate States—Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi (about one third of the latter). Abraham Lincoln is President of the United States, and Jeff. Davis President of the Confederate States. I never heard of Mr. Benjamin, Confederate Secretary of War. I have heard they say they have a Government. I have read Lincoln's Proclamations of War against the South, ordering them to destroy the property of the South, but I do not recollect its contents. I never took notice of it to—

[Here the witness was stopped.]

Parr did put a pistol to my head in the pilot-house, and said he took me prisoner in the name of the Southern Confederacy. They put the irons on me rather hard. They did not say anything about taking the vessel in the name of the Confederate States then. After they took the handcuffs off there was always a guard with me when I went about. I did not see any act of violence towards the passengers after the capture of the vessel. The handcuffs were also removed from the officers. I left a copy of the instructions which Braine left with me, in New York.

[Mr. Gray asked the Captain the substance of these instructions; Mr. Wetmore objected. Mr. Gray argued the point, and then read from manuscript a copy of Captain Parker's order to Braine (which Captain Willett had published in the "New York Herald" and other papers), and asked the Captain if the copy was correct. The witness said it was nearly correct. The name of the sailing master in the copy handed him by Braine was George Robinson, not Tom Sayers; the name of the engineer was not given in it, and the number of the men stated was eleven, not twenty-two. In other respects Mr. Gray's copy was correct.]

The Confederates kept of my private property one double barrelled gun, one single-barrelled gun, five five-barrelled revolvers, and one six-barrelled revolver. (I did not come out of my room "in what they call my shirt tail.") They kept me aft and plundered my room. They took three coats. I missed them when I commenced to pack up. I brought ashore my clock, eight charts, sextant, and three books. The passengers also brought ashore their own things. I did not see Braine give the passengers money to take them back to New York. The crew brought part of their things ashore. They put us into the pilot-boat six or seven miles this side of Dipper Harbour. I did not see and do not know that the Confederate flag was raised over the vessel. They fired two shots at me, and I don't know how many more. The first two shots were fired at twelve feet. They must have been bad shots. The "Chesapeake" had two 6-pounders forward, and of ammunition half a keg of powder; no cutlasses. The Confederates who cut out the "Caleb Cushing" at Portland were sent to Fort Warren; I have heard so. The "Chesapeake" was engaged in retaking the "Caleb Cushing." I saw the Confederates who were then

taken; they were sent to Fort Preble. I do not know that those Confederates were ever tried as pirates or in any other way. Only Lieutenant Parr told us that their party was acting for the Confederate States. They all seemed to be working together, and were working under Parr and Braine. I was not at Sambro, and did not see the steamer after I got into the pilot-boat. None of my crew to my knowledge were kept in irons the next day—the day after the capture. I never saw or heard of Braine or Parr before.

Re-examined by Mr. Wetmore:—I have heard the Confederates called rebels in the Northern States generally. The “Caleb Cushing” was lying at a wharf in Portland Harbour when captured. Braine was called Colonel; the parties all seemed to be working together. I cannot tell whether Braine paid the passage of these three men, the prisoners.

Both sides having exhausted the evidence of the Captain, the case was adjourned until Wednesday morning. During the forenoon there were one or two attempts at applause by spectators, especially when Mr. Gray referred to the fact that if the prisoners were committed by the Magistrate they would be delivered up to the Federal authorities to be tried for their lives in that country, and under laws in the making of which they have had no voice. The Magistrate very properly and promptly rebuked the offenders. It is to be hoped that nothing will occur to interfere even in the slightest degree with a thorough and impartial investigation into the charges made against the men now in custody.

St. John, January 7, 1864.

YESTERDAY morning, shortly after 11 o'clock, the examination of Messrs. Collins, McKinney and Seely before the Police Magistrate was continued. The court room was crowded with spectators as on the first day, and many persons went away unable to obtain admittance. The only witness examined was Mr. Daniel Henderson, who was second mate of the “Chesapeake” before her capture. We annex a verbatim report of his testimony:—

Evidence of Daniel Henderson.

Daniel Henderson sworn :

I reside in Portland, Maine. Am an American citizen. Have been a seaman for eleven years. Have been recently employed in Portland and New York—the “Chesapeake” was my last vessel, running between these ports carrying freight and passengers. Have been in her ten months on this route. About five years ago I was in her for two or three years; she then ran between New York, Baltimore, Charleston and Savannah, and sometimes Portland. She was then named the “Chesapeake;” had previously been named the “Totten.” Was then owned in New York. Is owned by Henry B. Cromwell, an American citizen. I know nothing about her register; never saw her coasting licences. I was second mate of the “Chesapeake.” The first mate was Charles Johnson. James Johnson was first engineer, and Orin Shaffer second engineer. There were eighteen of a crew in all, with the stewardess.

I was on board the “Chesapeake” on Friday and Saturday, the 4th and 5th of December. She was then lying at Pier 9, North River, New York, taking in cargo for Portland. We left New York for Portland on Saturday December 5th about 4 o'clock P.M. We generally make the passage in 36 or 37 hours, according to the weather. On the 5th of December we had passengers and freight on board; there was considerable cargo of cotton, wine, &c.—pretty nearly full. The “Chesapeake” is between 400 and 500 tons. The cargo was a pretty valuable one; can't say how valuable the cargo or vessel was. We had twenty-two passengers; I don't know their names. I heard some names mentioned on board—Braine, Lieutenant Parr. That's about all the names; I also heard Collins' name. I had seen Braine before. He came about two weeks before that as a passenger on the “Chesapeake” from New York. He said he was from London. He had a wife and child with him at that time. There was nobody shot on board the steamer that time. I saw the three prisoners on the trip on the 5th December. They came on board as passengers. I did not notice any of the passengers when they came on board. Sometimes we have 70, 60, 50, or 40, or 30 passengers—22 was not an unusual number, and excited no suspicion. When the steamer starts I am generally cleaning up, making sail, &c. I have nothing to do in the pilot-house, except when it is my watch—that is, from 8 to 12 at night. On the night of the 5th I was in the pilot-house at those hours; I recognised Braine around the house that night. Nothing unusual occurred on board that night. It was a very dark night; there were rain squalls, and it was very cloudy. At 12 I called the mate, Charles Johnson; his duty was to look after the ship as I had been doing. His watch was from 12 till 8 in the morning.

His place was in the pilot-house or on deck, just as he chose. I went to bed at 12 o'clock. My room was next to the pilot-house, right abaft, on the upper deck. On Sunday night I took my watch from 8 to 12, and went to bed at 12. I was in bed about an hour and a-half, when four men came to my room and broke in the lower panel. I was asleep at the time. They opened the door right out. [Here Mr. Gray objected to the witness stating "what these four men did" until he identified the prisoners as of the party. The Magistrate allowed the witness to proceed.] I can't say that either of these prisoners were the men. Two of them were officers; their names I do not know. They held their four pistols right over me—right at me—in the bed, and told me to turn out and put my clothes on. The pistols were all revolvers. I couldn't say whether they were cocked—I should think they were loaded. They then made me put up my hands, and they put handcuffs on me. I asked them if I couldn't see the captain or somebody belonging to the ship. They said no, I couldn't see nobody. When they put the handcuffs on me they said I was a prisoner of the Confederate States. Nothing further was said at that time. They then locked me in the room. I was there about ten minutes when I heard a noise like a man falling at the pilot-house door. I shoved my door out, and fell down on deck. Then two men, whom I would not know, caught right a hold of me and shoved me into the pilot-house and left me there. I was there about twenty minutes when Braine came in and I heard him say the second engineer was killed and hove overboard. He went right out again. I was there till 7 o'clock in the morning. Braine and others came in once in a while. Seely, whom I recognize, came in twice. A big tall fellow, with sandy-coloured whiskers, whom I do not know, and whose name I did not hear, was steering. He was not one of our crew. I did not see either of the other prisoners in the pilot-house. Seely came in to warm himself. He was keeping watch forward. I was sitting down in the corner of the pilot-house. Seely said nothing except that he wanted to warm himself. Some of the officers (Confederates) came to me about half-past 7 Monday morning and asked me where the paints were kept, and told me I must go down and show them the place. I went down. One of the Confederates, whom I would know if I saw, went with me. He had a pistol; I never carry arms. I showed them where the paints were. He said he wanted to paint the ship's name out and the yellow streaks off the smoke stack. I asked him to take me out of irons; he said not—and put me in the pilot-house again. I remained there till 8 o'clock A.M. The same big man was at the wheel. I saw the prisoner, McKinney, standing outside the pilot-house, doing nothing. Seely was keeping look-out all the time. I had not seen Collins up to this time. One of the officers came to me a little after 8 o'clock and took the irons off me and took me to the passengers' cabin on the second deck. I saw the mate there, wounded in the right leg and left arm; he was lying on a mattress. The ball had been taken out of his arm, but they could not get it out of his leg. The engineer was also there wounded in the cabin. I stayed there till breakfast time. I asked Braine if I could stay there and attend to the first mate. He said he would see after a while, and afterwards said I could stay. Braine put a guard over me. I don't know the guard's name. McKinney was standing at the cabin door with a pistol in his hand. I saw Braine speaking to him, but did not hear what he said. He remained a part of the time, and another took his place. The guard over us also had a pistol. It was nearly 9 when we were taken out for breakfast. There were four men on guard, standing up walking about on each side the table. Each man had a revolver; McKinney stood on the steps pistol in hand. After breakfast I went into the passengers' cabin with the mate and stayed there most of the day, Monday. I asked liberty and went on deck several times during the day. There was no guard sent with me, but guards were stationed all along deck, on both sides of the ship. I saw Collins walk around deck with a pistol in his hand; I did not hear him giving any orders at that time. I saw Seely at that time cleaning brass on the timber heads. I saw Braine and Parr at different times, talking with these prisoners, during Monday and Tuesday. On Monday night us prisoners belonging to the ship were sent below; the officers were put in the passengers' cabin, and the seamen and firemen were put forward with the exception of one of our firemen that they had on duty. At 8 o'clock on Monday night one of the (Confederate) officers came down and took me up to the pilot house and asked me to show him how the bells worked for stopping the engine. I showed him. When I was in there I asked where was our men; they said they were below. I heard Collins and Braine and Parr called by name. I heard Braine call Collins Lieutenant. The parties all seemed to act under Braine. The officer who took me up had a pistol at his side. He took me back to the cabin. I remained there all night. I was kept under restraint all this time. I sat by the mate all night. On Tuesday morning, about half-an-hour before we got to Grand Manan, the party who was running the vessel for Braine sent Braine down for me. Braine took me on deck and told

me to go forward and get the anchor ready to let go when they gave orders. Braine stood over me with a pistol. I got the anchor ready according to their orders, and let go when Braine told me. It was in a harbour in Grand Manan. This was about 8 o'clock Tuesday morning, December 8th. During all this time I didn't know what they were going to do; they wouldn't tell me nothing. I was a prisoner all the time and kept well down, with a guard over me. I was alarmed.

I saw blood on the deck where one of the officers (Confederate) said the second engineer laid. He told me they killed him and hove him overboard. One of the Confederate party told me the second engineer was shot in the head. I only know about the engineer what I heard the party say. The second engineer could not have pumped hot or cold water over the deck under twenty minutes' time. He might have done it alone. To do it he would have to come up on deck and go forward to the engine-house, go to his hose box, unroll the hose along deck, and then connect them with the goose neck on the engine on the upper deck, then pass them down into the lower engine-room, then go around behind the engine-room and go below himself, and start his machinery there. Then he would have to come up again to his own engine-room and get a hold of his hose. It's not an easy thing for one man to do alone; I don't know that he could do it. All this would take him twenty-five minutes. I do not know that the second engineer had a pistol. I heard Braine say to the first engineer that he believed the second engineer fired first. The engineer said that he believed the pistol laid in the second engineer's bed yet, and that if Braine would allow him he would go to the room and find it. Braine did not say anything. I believe they went in search of the pistol and found it. [The Magistrate ruled this last paragraph out.] I heard the chief engineer say to Braine afterwards that they had found the pistol in the second engineer's bed and Braine could go and see it. The second engineer was a stout, able man, nearly 6 feet, about 45 years old, lived in New York City, was a United States' citizen, and told me several times he was born up the North River. He was on the boat pretty nigh two years, was a very nice dispositioned man, a gentleman in his manner, &c.

After I let go at Grand Manan we had breakfast. I did not feel like eating at the moment: I felt uneasy. I did not know at what moment I would go over the rail. They lowered a ship's boat. Braine and three or four men went ashore and remained ashore two or three hours. Then they came off, hoisted the boat, and steered towards St. John. At this time I was in the cabin, into which I was ordered by one of the officers, and was kept under guard. They fell in with a pilot-boat; the boat ordered them to stop the steamer, and a man came on board from the pilot-boat and stayed awhile, went back and returned to the steamer with another man with a valise. This was two or three hours after the steamer left Grand Manan. I did not hear either of these parties called by name. I could not say of my own knowledge whether either of these parties took charge. I was aft all the time. The steamer took the pilot-boat in tow up to Dipper Harbour. Then they hauled the pilot-boat alongside, and put all of our crew aboard except the two engineers and three firemen. They kept James Johnson, the chief engineer, August Stiebeck, the third engineer; I don't know the names of the firemen. Five passengers were put on board the pilot-boat; these were not of their party; on board the steamer they were kept down just as we were. One of the passengers remained on board the steamer—the person who acted as pilot. I do not know his name. The steamer towed us to within about three miles of Partridge Island, and then let go. The steamer kept on her course towards St. John. It was about 8 o'clock Tuesday evening when they cut us clear. We kept on with the pilot-boat as long as we could. The boat anchored abreast of Partridge Island. We stayed on the boat until 10 next morning. The steamer "Chesapeake" and cargo were taken from our possession by this party against my will, and was taken away by this party. I was in fear of my life from the time they took the steamer until I got out of the pilot-boat. I am not in the habit of being afraid under ordinary circumstances. We came up in the pilot-boat about 11 on Wednesday morning, and were put on board the steamer "New England."

These prisoners were on board the steamer when she cast us off, and went with her. The prisoners were acting with Braine—all acting together.

The Confederates put a staging over the stern of the vessel when they got the paint, for the purpose of painting the name out: and they said afterwards that they did paint it out. They made our men paint the yellow streaks out of the smoke stack—they painted them black.

[Mr. Tuck asked the witness if the "Chesapeake" was an American vessel. Mr. Gray objected, saying this was not the proper way to prove her nationality. Magistrate seemed inclined to agree with Mr. Gray. Mr. Tuck cited what he considered a parallel case from "Curtis's Digest." Mr. Gray and Mr. Weldon replied. The Court ruled against the question.]

The "Chesapeake" carried the American flag. I never knew her to sail between any other than American ports. The Stars and Stripes are the American flag. The Captain and crew had not charge of the vessel and cargo after she was taken possession of on Monday morning.

Cross-examined by Mr. Gray:—I was in bodily fear of my life while on board the steamer when in hands of the Confederates. My thoughts were a good deal on that. I have not told more than occurred. There was a good many things that I did not see. In coming down by the train the other day I did not get out for fear of coming to St. John.

When I was aroused I was told I was a prisoner to the Confederate States. I don't know that the Federals have taken many vessels from the Confederates—they may have taken some. When they took me prisoner I knew what they meant. I thought they were acting for the Confederate States. I did not see the Confederate flag run up. I did not see the copy of the order given to Captain Willett by Lieutenants Braine and Parr. Captain Willett told me they gave him their names; he did not say they gave him a copy of the order. I was not treated with any unkindness more than was necessary to prevent the recapture of the vessel. They kept the engineer on duty when he was severely wounded in the chin and bleeding. When we landed I took what clothes I had; the Confederates did not prevent me taking anything. I did not see Lieutenant Braine and Lieutenant Parr talking to the other passengers. The party who sailed the vessel after she was taken appeared to act as if he was one of them. The cotton on board may have come from New Orleans or elsewhere. It might have come from Europe. I don't know. There was no one hurt who didn't make resistance to the capture of the vessel. Did not hear of Braine saying that his orders were not to injure any one except in case of resistance. I believe the men of the vessel were not ironed after Monday morning, when possession of the vessel was secured. The Confederates told me that if I would be quiet and stay below I would be taken care of. One of them said no harm would be done me if I did not attempt to recapture the vessel. I believe all the passengers brought their baggage with them when landed. I do not know, and did not hear, that any of the passengers and crew (except the Captain) lost anything.

To Mr. Wetmore:—I do not know that these men were acting for the Confederate States. The chief engineer was forced to work when wounded. I don't know what became of the baggage of the second engineer, who was killed. I do not know how he was killed; that was when I was asleep.

The examination was conducted in scarcely so serious a style yesterday as on the first day. The witness himself was rather an "original" character; the lawyers, especially Mr. Gray and Mr. Tuck, appeared in a mood for sparring; and the audience were inclined to manifest their appreciation of the good hits that were occasionally made both by Counsel and the witness. The lawyers on both sides seem to feel the utmost confidence in the justice of their respective causes, Mr. Gray frequently informing the Court and spectators of what he "intends to show before the case is through," while Mr. Tuck and Mr. Wetmore identify themselves with their Federal friends by talking of "robbers," "pirates," &c. The witnesses already examined seem to tell a pretty straight story, although the cross-examination has not failed to add to its interest by eliciting some new facts that might otherwise have been lost to the world.

At 4 P. M. a third witness named Charles Watters was wanted for the prosecution, but was not on hand. One of the policemen stated that Mr. Watters had said to him, when he went after him, that he would not appear unless compelled to do so. A document was accordingly issued to compel his attendance, and when the case comes up again at eleven to-day, Mr. Watters will probably take the stand.

ON Thursday the investigation into the charges against Messrs. Collins, McKinney, and Seely was resumed.

James Johnson sworn.—I reside in New York; was born in Ireland; have lived in New York fourteen years; am not naturalized; am an engineer; I know the steamer "Chesapeake;" I was her chief engineer for over a year; it was three years last July since I first went on board of her. She was employed in carrying passengers and freight. I was on board of her Friday and Saturday, December 4th and 5th. I was in charge of the engine from 6 to 12 that night. Nothing unusual occurred that night or on Sunday. The first thing I knew between 1 and 2 o'clock on Monday morning, I was awakened by the report of a pistol. My room was on deck. I went out and found Mr. Schaffer on deck lying at the engine-room.

Yesterday Mr. Johnson resumed as follows:—

The "Chesapeake's" voyage at this time was from New York to Portland. I can't say where she was built; I have known her for six years. She was called the "Chesapeake" six years ago. I knew her previously under the name of the "Totten." She then traded between New York and Baltimore; I don't know where she was built. She has always traded between American ports since I knew her. She was rebuilt at one time in New York; I don't know where. She was called the "Chesapeake" before rebuilt. She is owned by H. B. Cromwell; carried the American flag.

When I found Schaffer's body lying on deck I raised him up and called him by name; he did not answer. He was lying on the deck with his feet down the hatchway. His body was on the deck. He was dead. This was between 1 and 2 o'clock. I did not see blood then. The night was pretty dark. I saw two specks on his neck. I could not tell whether they were cuts. I then went down, where he had come up, to the deck below. I then got a pistol put to my head by Collins, the prisoner, whom I identify. I could not see whether it was cocked. I told him to hold on; and then a man besides Collins, whom I took to be Brooks, shot me with a pistol.

[Mr. Tuck asked the witness if he knew who shot the second engineer. The witness was going on to state what Brooks said, when the prisoners counsel objected. Magistrate decided against the question.] None of the prisoners now present were within hearing when Brooks made a statement to me. After I was shot I went across to the engine room. Before I went below, when I was at the body of Schaffer, I spoke to Wade and asked him to help me. He seemed to be afraid—said nothing. Wade was one of the party who conspired to take the vessel. I was fired at without anything being said to me. The ball lodged in my chin. It remained there until two days ago. It was taken out by Dr. Earle at Ossekeag.

When I went across the engine room I found the mate, Charles Johnson, coming into the room. He had been shot twice, once in the knee, the other in the arm. He and I went into the kitchen, through a little hatch. We stayed there for about a half-hour. From there I saw Mr. Schaffer's body thrown overboard by three or four persons. Braine was one of them. I didn't know the others. He was thrown over just as he was; was not wrapped in anything. I don't know how long this was after he was shot. The cook came to the kitchen where we were. I asked where Captain Willett was; he said he was in the cabin. I asked him what was going on; he said the ship was taken. I told him to tell some one to come and take us out. I had no clothes on except my night shirt. George Robinson, the sailing master, came and took me to my room to dress. (Robinson was sometimes called Sears on the boat.) I did not see any pistol with Robinson; I heard two or three pistol shots fired on board. After dressing I went with Robinson to the cabin where the Captain was in irons. The mate was there, wounded. Mr. Parr, who was called Lieutenant, was taking a shot out of Brooks' hand. He then took a shot out of the mate's arm, and tried to take the shot out of my chin but could not do it—he said it was fast in the bone. I had some conversation with Lieutenant Parr. He told me to keep the cold out of my cut. He assisted me in wrapping up my chin. I had no conversation at this time with reference to the pistol shots. I afterwards went to the engine-room with Robinson to see if everything was right there. The third assistant and oiler, Striebeck, had charge of the engine. Captain Willets had asked me if the ship was safe, I said no; Robinson overheard this and went and asked permission to take me to the engine room. I wanted to see what state the ship was in, or if she was going to blow up. I found the oiler there. Did not remain there long. I told the man how to carry steam, and then went back to the cabin. I remained in the cabin an hour and then went back to the engine-room. There was always some one with me as a guard. I don't remember either of these prisoners going with me. I was taken back to attend to the engine, and see that everything was going right. Braine spoke to me and said they had no engineer, and that I would have to attend her. I was hardly fit to do it, the wound in my chin bleeding enough to cover my shirt. I remained in the engine-room all day; I had to stay there, with some of the crew as guard, all the time. Both McKinney and Collins were on guard over me at different times. They were armed with revolvers. There was one man on guard in the engine-room and one in the fire-room all the time. I was not threatened. The two Coxes, Harris, two Moors, who were brothers, Tredwell, Wade, Collins, McKinney, Brooks, and Seeley guarded me in turn. Lieutenant Braine used to sit with me sometimes. He had command of the crew. The sailing master, Robinson, was on deck. They were all acting in concert. They acted under the orders of Braine and Parr, and sailing master Robinson, as far as I could see.

I remained in the engine-room nearly all the time; when I slept it was on the locker in the room. I was not on deck much—hardly any. Did not see what was going on on deck. I don't know the time when the vessel stopped at Grand Manan. She remained

there two or three hours. When we left there we came down towards St. John. We arrived off the harbour between 7 and 8 on Tuesday evening, December 8th. The steamer stopped on the way up, and took a captain, Parker, on board from a pilot-boat. He took charge over Braine. There was a gentleman, a Mr. McDonald, came on board at the same time. Mr. Parr introduced him to me as Mr. McDonald. We got nobody else in there. This Mr. McDonald came to see me, and told me to content myself for a few days—that he would only keep me forty-eight hours longer. He said he was concerned in the thing. I told him I wanted to get home, as my folks would be uneasy. He asked me for my wife's address, and said he would send her a telegram to let her know I was well and would be treated well. He forgot all about this afterwards. I gave him the address. There was no telegram sent. McDonald went ashore in St. John. This was the only conversation I had with him. I saw him when I left Halifax the other day. He accompanied me all the way to Moncton, perhaps to see that I got safe through—not with my wish.

We remained off Partridge Island from three to five hours. A boat went ashore from the steamer with Captain Parker, Mr. Braine, and Mr. Parr. They did not tell me why they went ashore.

They were ashore all the time we laid there. We started as soon after they got back as we could get steam up. McKinney went ashore with them. I don't know whether they took anything on board with them. They got no coal here. I do not know that they got any provisions. We left St. John about 2 o'clock on Wednesday morning, under steam. I was still kept at the engine. We went into Shelburne, Nova Scotia, first. We got there between 8 and 9 o'clock on Thursday night. Captain Parker had charge of the vessel on her way to Shelburne. Had I been allowed I would have gone ashore in St. John; I was not allowed. I was taken away against my will. Four of our men besides myself were taken—myself, Striebeck, the oiler, Richard Tracey, Patrick Connors and John Murphy, firemen. I believe the others of our crew went on board the pilot-boat. I managed the engine from here to Shelburne. I got a little sleep once in a while; I slept in the cabin three hours one time, the rest in the engine-room. We had a rough passage to Shelburne—a heavy gale of wind after we got around Cape Sable; it snowed. We laid to an anchor in Shelburne harbour all of Thursday night. We got coal and wood there. It came on board from a schooner. Captain Parker said we got ten tons of Sydney coal and two cords of wood. I don't know whether we got anything else or not. We put some little freight on board the schooner—some sugar, apples and flour. I don't know the value of the freight; could not tell how many packages. Mr. Braine left the vessel there. I don't know whether he took any of the freight with him. I don't know where he went. He came on board again at La Have.

We got additional crew at Shelburne—four persons; the names of two were Snow and Smith. They had as many men before as the ship needed. Captain Parker said he belonged to Shelburne. He was his own pilot. I did not hear him called by any other name. We left Shelburne on Friday morning at daylight.

We put into La Have river towards evening where we came to anchor. When there we discharged cargo into a schooner—there was flour, wine, sugar, and tobacco, and some cases of stuff. I can't tell how many packages of each went out. The wine was in quarter pipes. There was also some cotton went ashore. (The wine was distributed on board the vessel; I got some of it.) I heard Captain Parker say that Mr. Kinney, a man living there, got a thousand dollars' worth of the freight. Braine came back here. We laid there three or four days, and over Sunday. Braine did not tell me where he had been. He only stayed there a little while. Mr. Parr told me that Braine took a trunk with him, supposed to be jewellery. [The Magistrate objected to this "hearsay" being taken down as evidence, and adhered to his opinion although Mr. Anglin furnished information respecting O'Connell's trial for high treason.] Braine did not return to the ship again. That was the last I saw of him. We got no coals or additional crew at La Have. We got some wood. I did not hear these prisoners say anything about Braine at this time, nor do I know what Braine took. Mr. Parr told me he was going away for a day or two to bring Braine back, and when he returned he would try and get the captain to liberate me as he knew I wanted to get home. He also said Braine was not doing right; that he had taken 400 dollars with him—— [The witness was stopped.] Parr said I was not in a condition to stay on board and ought to be liberated.

[At this stage the Court adjourned for dinner. At 2 40 P.M. the examination was resumed. Mr Gray again objected to the admission of the statement of Parr relative to Braine's leaving with money, &c., and cited "Roscoe's Criminal Law." Magistrate said he had already ruled in Mr. Gray's favour.]

Parr left after this conversation. He did not come back while we were there. I don't remember what evening we left. Captain Parker was still in charge when we left

La Have, and these prisoners were also on board. We left and went down to the mouth of the river. I don't know of any special reason for leaving La Have. I had nothing to say in the matter. We towed the schooner down to the mouth of the river and loaded her with freight; she was a vessel of about fifty tons. We loaded her pretty well with the "Chesapeake's" cargo; I can't say what. I saw the schooner lying at anchor next morning. I did not know where she went, or what was received for the cargo. We got some wood off the schooner before we put the freight in her. We remained at the mouth of La Have till daylight next morning. Then we went to Sambro. The coals we got at Shelburne lasted us down to Sambro, which is twenty miles from Halifax. Captain Parker went to Halifax for coal; he took none of the cargo with him. He returned to Sambro with a schooner loaded with coal and two engineers and two firemen. Parr had not returned at that time. We were taking in coals at Sambro from the schooner. The arrived at 2 in the morning; Captain Parker was in the schooner. I got up and spoke to Captain Parker, and he told me about those men he had. He asked me to show the engineers the machinery; I told him I would after daylight. After that I was getting ready to leave—Parker told me he was done with me—the pilot named Flinn, who carried her into Sambro, reported to Captain Parker that a gun-boat was coming in. Parker went on deck to see her. (This was in Mud Cove.) He asked his new engineer to get some steam on. Captain Parker asked me to scuttle the ship. I told him I did not know how; he said I could cut a pipe and do it. I said we had no pipes that I could cut. Captain Parker left the cabin then. I carried my clothes on deck, and when I went up Captain Parker and his crew (including the prisoners) were leaving the ship. They all left. I went and got the American colours out of the wheel-house, and gave it to one of my firemen to run up. He ran it up, Union down. The gun-boat came alongside of us and boarded us. Lieutenant Nicholls was in command of the gun-boat. At this time the oiler, and three firemen, and the two engineers that Parker brought, were on board. The new engineers had no chance to get into the boats. I had not steam up on the vessel. Lieutenant Nicholls asked me who was aboard the steamer. I told him. We then went to getting steam up. We had not coal enough to leave, and had no oil aboard. We left in an hour or an hour and a-half. The gun-boat was named "Ella and Annie." We got coal and oil enough to start, and went to Halifax. The gun-boat went into Halifax with us; the "Dacotah" was behind us. We came to anchor in the harbour, and I went ashore in the evening. I was in Halifax since then until last Monday morning when I left for here.

From the time the "Chesapeake" was taken Mr. Braine and Captain Parker and their crew had charge of the vessel, and Captain Willett and his crew had no charge from that time. I did not act of my own free will from that time, but under the orders of these people.

[Mr. Tuck asked what conversation he had with Lieutenant Parr respecting finding the second engineer Schaffer's pistol. Mr. Gray objected.]

I went into the second engineer's room with Lieutenant Parr and Striebeck, and I found the engineer's pistol and handed it to Mr. Parr. I found it in the second engineer's drawer. Parr examined the pistol. He said it had not been used. His room was on the deck above where he attended the engine. This engineer had been in the "Chesapeake" two years; I had been there all that time and knew him well. I hired him. I never knew him to carry a pistol. If he had I think I would have known it.

There were no means on the "Chesapeake" for putting boiling water on the deck. We had a force-pump to throw cold water, and hose in case of fire. The second engineer could not have got them to work. I saw these prisoners in the vessel from time to time after the vessel was captured. I do not know what Collins' position was or what he was called. They all carried revolvers.

Cross-examined by Mr. Weldon:—I stated that Brooks was shot in the hand. It was in the left hand. Parr cut the shot out. I did not hear anything said about the second engineer shooting him. The engineer's place was on the deck below. I saw Brooks' face as the pistol flashed when he fired at me. He was not two feet from me when he fired. The ball was bedded in the bone. The wound in the chin can be seen now. The mate and I went into the kitchen and remained there half an hour before any one came. There was no more violence used. I gave Parr my razor to cut out the ball. They did not say they took the vessel in the name of the Confederate States. I heard nothing about the Confederate States. They used a Secesh flag in Shelburne. I can't describe it; it didn't look right to me. I mean the Confederate flag. I can't tell the colour of it, or the number of stars. I took a look at it, but I can't remember what it looked like. I understood from one of the men that the Confederate flag was up there.

can't tell how many colours there were in it. Neither Braine nor Parr told me they had

orders to take the vessel. Parr told me he and Braine travelled on the "Chesapeake" a month before for the purpose of taking her. Parr told me he had been in the Southern Army. [Mr. Wetmore made objection to admitting Parr's "narrative." Magistrate overruled it.] Parr said he had been in the Southern Army and was a released prisoner. He did not say what part of the Southern States he came from. Parr treated me very civilly. He said one time that as Captain Parker had not kept his word, he (Parr) would try to get me away. I worked the steamer to Grand Manan, and from there to St. John. Part of the time my duty was on deck; sometimes I went up alone. I took my meals in the cabin. Braine told me he had no engineers and that I had to work the vessel. Captain Parker, when he came on board, said he would have to keep me awhile, and asked me how much money I wanted for retaining me. I said not to mind the money, that I would run the ship as I had to do it. After we left St. John I ran the vessel under Parker's orders. There was a watch in the engine-room, fire-room, and on deck all the time. The watch did not follow me when I went out of the engine-room. Captain Parker said Shelburne was his native place. He did not tell me he had gone down South when a boy. He never mentioned the Confederate States to me. I don't know his Christian name. I never saw Parker before. I can't tell the distance we were inside Sambro Harbour when we were retaken. We might have been four miles inside—about half a mile from the shore. When the Confederates left they took one of the steamer's boats. Some of the "Ella and Annie's" crew went on board the coal schooner, and searched it and found Wade. The two Halifax engineers and Wade were sent on board the "Ella and Annie." When we went out of the harbour the "Dacotah" was lying outside at the mouth of the harbour waiting. We spoke the "Dacotah." Striebeck and the firemen all expected to leave the "Chesapeake" when the other engineers came.

Re-examined by Mr. Wetmore:—The watch in the engine-room and fire-room were armed. I can't say about the watch on deck.

At half-past 4 p.m. the Court adjourned until Monday morning. It seems that Mr. Charles Watters, who is wanted, cannot be found. The Counsel for the prosecution are expecting other witnesses to arrive from the States.

The Court was in readiness yesterday morning for opening at 11 o'clock, and at that hour the prisoners' counsel, as well as a very numerous body of spectators, were in attendance. Among the onlookers we noticed three clergymen, who probably had attended in order to lend the sanction of religion to what the editor of the "Colonial Presbyterian" no doubt considers the holiest of all causes—the cause of the Confederate States! There was not so much crowding among bystanders as on the previous days, but the interest manifested was not a whit less keen. This time the delay in proceeding with business was the fault of one of the prosecuting counsel, and not "Mr. Anglin's." We ought to explain that the editor of the "Freeman" has been very improperly charged with retarding the Court's proceedings by not being up to time in arriving at the Police Court. The lawyers say that since the editor "has taken charge of the case," he ought to be at his post at the proper hour.

Mr. Anglin and Mr. Wetmore having arrived, the investigation was resumed.

Mr. Wetmore offered in evidence copies of extracts from Acts of Congress relating to Piracy, and President Lincoln's Proclamation of April 19, 1861, declaring the molestation of United States' vessels by Confederates to be piracy; the same being certified as correct by the Honourable William H. Seward, Federal Secretary of State, and sealed with the seal of the Federal State Department. Counsel for prisoners offered no objection. Mr. Wetmore wished counsel for the prisoners also to admit the American Shipping Act as in evidence, although he did not have it present. Mr. Gray agreed to this. Mr. Wetmore next tendered a copy of the order left by Lieutenant Braine with Captain Willet at the time of the capture. Admitted.

At half-past 12 Mr. Charles Watters was placed on the stand, and in answer to Mr. Wetmore's questions stated as follows:—

I have lived twelve years in Carleton, and know McKinney and Seely. I have had no conversation with either McKinney or Seely relative to the capture of the "Chesapeake." I heard a good many persons stating things in their presence. It was in Lower Cove; McKinney, Seeley, and Gilbert and John Cox were present. The Coxes reside in Carleton. This was in a house in Lower Cove. I do not know the streets in Lower Cove. It was between Queen's-square and the Barracks. I don't know the names of the streets on the east and west side of Queen's-square. It was not on the street on the west side. I would have to turn to a street on the left of the street to the west of Queen's-square. [A plan of the city was shown to the prisoner, and he identified Main-street as

that on which the house was situated.] It was a workshop, upstairs; we went into a yard to go up. Besides the Coxes, McKinney, and Seeley, the "Captain" was there. There were ten or twelve there besides them. Lieutenant Braine was not there. The man they called the Captain was there. I heard the Captain say he wanted to raise a crew of twenty men to go to New York to take a steamer. I have since heard the Captain's name was Captain Parker. I did not hear them say the name of the steamer. Some of the party asked if they were all going. We were all to get an equal share; I can't say what the officers were to get. There was to be a share for each man, and the particular share was not named. I did not hear anything about money being furnished, only that their passages from St. John to New York were to be paid. I think it was Parr said this. Parr was present at one of these meetings. I was present at two meetings. I saw these two prisoners at one meeting. I did not hear anybody say they would go that I remember of. These prisoners were present at the last meeting. There was nobody there scarcely at the first meeting. I was there, the Captain was there, and some of the boys. I do not know Collins; I can't say that I ever saw him before to-day. I have not seen McKinney since that night. I had no conversation with him at or since that meeting. Seely went over to Carleton in the same boat with me that night. We had no conversation. I think I saw him going down Prince William-street the next morning. I could not tell who went away. I was at the steamer at Reed's Point before she left; saw McKinney and Seely there. The meeting took place about a week before we heard of the "Chesapeake" being taken. I saw these two prisoners at the boat next morning. I can't say that these prisoners agreed to go. It was asked at this meeting whether the parties would go. I can't say that I heard the persons present assent to go. I was not at the first meeting. I had no conversation with McKinney or Seely before the meeting. I saw them the night of the first meeting in Carleton. They did not tell me then whether they were going; when we were on the road going (the two Coxes, myself, McKinney, Seely, and a man named George Robinson being together) they said they were going to the meeting. It was not stated to what place we were going. They (the prisoners) asked where we were going to; Robinson said they would find out when we got there. On the road they asked what we were going for, and were told, "to see the Captain." Robinson wanted these boys to go over to the meeting, to go to New York to take a steamer. I heard some of them say they would go to the meeting and see what was going on. I can't tell what was talked of. Robinson, on the way, called at the Lawrence Hotel for Captain Parker, and he went with us. I heard of Parker wanting to raise a crew to go to New York three or four days before the meeting. On the last night of the meeting I went to see what conclusion was come to. It was said there that those who would go were to go the next morning in the American steamer. The prisoners McKinney and Seely belong to Carleton. Seely was brought up there, and McKinney I have known two years. I went to the steamer to see who was going, but I didn't calculate on going. The only ones I saw on board the boat, of those who were at this meeting, were McKinney and Seely. I might have passed them the time of day. I could not say whether they were on the boat when she left; I was going up the hill when she started. I was at the boat at a quarter of 8 A.M., and left before the boat left. I might have stopped five, or ten, or fifteen minutes. I was at the head of the wharf when she let go her fastenings. I think the prisoners might have gone in the boat, but I can't say where they went. I didn't see any funds at the meeting in Lower Cove.

Cross-examined by Mr. Gray:—It was stated at the Lower Cove meeting that they were going on behalf of the Confederate States to take this vessel. I think it was said that the Confederate Government was to regulate the "share"—I can't remember distinctly. It was stated that the vessel would be a prize to the Confederate Government. Captain Parker said he had authority or commission from the Confederate Government; he produced a paper which was read over at the meeting. I don't remember that he stated what the paper contained. Captain Parker read the paper, commencing thus:—"Jefferson Davis, President of the Confederate States of America." It was the size of the document now produced by Mr. Gray. [This was understood by spectators to be Captain Parker's commission.] I think the intention expressed at the meeting was that the vessel was to be taken for the Confederate States, or else they would not have gone. I heard that Captain Parker and Lieutenant Braine were officers in the Confederate service at the same time that I heard they wanted to raise this crew for the Confederate service for the purpose of taking this vessel. It was understood that she was to be taken for the Confederates; and it was stated that these men were to be in the Confederate service. I could not say that it was stated at this time that Parr was an officer in the Confederate service. I was not close enough to read Captain Parker's paper.

[Mr. Gray proposed to put Captain Parker's commission in the witness's hands to

identify. Mr. Wetmore strongly opposed this. The Magistrate ruled in favour of its being placed in the hands of witness, and also that this could be done without the paper being first placed in the hands of the opposing Counsel. The witness said he could not identify the document even if it was handed to him.]

Captain Parker read paper aloud, and said it was his authority.

I did not see Braine the first night; I did the second night. He was called Lieutenant Braine. I don't remember of Parker saying that he was Captain of the Confederate States' privateer "Retribution."

Re-examined by Mr. Wetmore:—I heard from Captain Parker that this crew was wanted. The steamer was to be brought to Grand Manan to land passengers. I did not expect to go. I did not know it was stated where those who went from here were to land. At the meeting it was talked of that the vessel was to be taken over to Nova Scotia. I do not know that any of the officers said so. I heard that the question was asked where the vessel was to be taken. I did not hear it stated that the vessel was to be taken to Nova Scotia, and her cargo to be disposed of there. I don't know what "the share" was to be of. I did not inquire—do not know what they meant by it. Perhaps they were to divide the steamer and cargo. I can't say when or where they were to "divide." It was from Robinson that I heard that Parker and Braine were officers. Robinson belongs to St. Stephen, I believe. I went to the meeting just to see what was going on. I don't know that it was said at the meeting that the business was dangerous. It was not stated that they might get their necks stretched. It was distinctly said that they would be protected by the Confederate Government. It was not said what they were going to Nova Scotia for.

There was more squabbling among the lawyers to-day than on any other occasion since the commencement of the trial. The witness Watters appeared to give his evidence with considerable reluctance, probably on account of some of his Carleton friends being so directly concerned in the matter. At the conclusion of to-day's examination Mr. Gray agreed to consider a certified copy of the "Chesapeake's" register and coasting license as in evidence, as Mr. Wetmore said they were on their way here. This closed the case for the prosecution. As several of the lawyers will be engaged in the Circuit Court, which meets to-day, further investigation is postponed until Friday next.

The investigation into the charges against Collins, McKinney, and Seely was to have been resumed yesterday, but on application of the Honourable Mr. Gray it was further postponed until next Thursday, as Mr. Gray had applied to the Lieutenant-Governor for certain documents which the Governor could not decide upon furnishing until he had consulted his law advisers. Mr. Gray intimated that he might ask the Magistrate for protection to Braine, Parr, Locke, and others named in the warrant, in case they were wanted as witnesses. The Magistrate seemed to be very emphatic in opposition to such a course. The "Globe" says that "the inference to be drawn from Mr. Gray's remarks in reference to the papers for which he had written was, that if they are not furnished he will ask that the Magistrate issue a subpoena for bringing Her Majesty's Representative forward as a witness in the case."

Inclosure 2 in No. 18.

Mr. Tilley to Mr. Gray.

Sir,

Secretary's Office, Fredericton, January 15, 1864.

I AM directed by his Excellency the Lieutenant-Governor to inform you that his Excellency has referred your letter of the 31st ultimo to the consideration of the Law Officers of the Crown, and that in their opinion the parties on whose behalf the application contained in your letter was made, are not legally, and as a matter of right, entitled to be furnished with the papers which you require, and that his Excellency would accordingly be fully justified in declining to accede to your request.

The Lieutenant-Governor is desirous that no misapprehension whatever should exist on this point. His Excellency considers that it would be very objectionable to countenance the idea that the examining Justice, a subordinate Magistrate, should or could adjudicate on the legality of his Excellency's warrant. This warrant is issued for the purpose of enabling Magistrates to take cognizance of cases which would otherwise be without their jurisdiction, and to receive evidence in the manner prescribed by the Act 26 and 27 Vict., cap. 76; but the grounds upon which his Excellency thought proper to issue that warrant cannot possibly be a subject of inquiry before the Magistrate, and it must therefore be distinctly understood by you that his Excellency altogether denies your right to claim, at

the present stage of the proceedings, copies of the documents referred to. At the same time, as his Excellency could entertain no objection, so far as he is concerned, to give publicity to the contents of the papers in question, and as it would be a somewhat harsh and unusual measure to refuse to persons accused of crime, materials which, with however little reason, they may consider as essential to their defence, his Excellency was of opinion that on the whole it would not be improper for him to comply with your wishes. Previously to doing so, however, he thought it right to inquire whether any objection to this course would be made by the authorities of the United States, in order that, should such objections exist, he might weigh their force and validity before arriving at a final decision. The answer of the United States' Consul at St. John to this interrogation was received yesterday, and his Excellency now directs me to transmit to you certified copies of the papers for which you have applied.

In doing so I am again instructed to repeat that his Excellency cannot admit of any doubt being cast upon his discretionary power to grant or to withhold, as he may deem proper, documents of the character now under consideration, nor allow to pass unquestioned a claim, the admission of which might, in his opinion, be fraught with inconvenience and possible danger to the public interests.

I have, &c.
(Signed) S. L. TILLEY.

No. 19.

The Duke of Newcastle to Lieutenant-Governor Gordon.

Sir,

Downing Street, February 17, 1864.

WITH reference to your despatch of the 18th of January last, I have the honour to acquaint you that Her Majesty's Government consider that you exercised a wise discretion in allowing the accused persons in the case of the steamer "Chesapeake" copies of the requisition and warrant to which you refer.

I have, &c.
(Signed) NEWCASTLE,

No. 20.

Major-General Doyle to the Duke of Newcastle.—(Received February 1, 1864.)

My Lord Duke;

Government House, Halifax, Nova Scotia, January 21, 1864.

I HAVE the honour to inform you that on Monday the 11th instant an examination was held before his worship the Mayor of this city, into the charges against Drs. Almon and Smith and Mr. Keith, who were accused of having prevented the arrest of Wade by the police authorities, after his trial by an American man-of-war.

As many misrepresentations on this subject have appeared in portions of the American Press, which are calculated, if uncontradicted, to produce some bad feeling towards this province on the part of the American public, I considered it my duty to direct the Attorney-General to attend and watch the proceedings of this examination, and also caused a reliable shorthand writer to be present by whom the evidence of the different witnesses on that occasion was carefully reported.

I have now the honour to transmit to your Lordship a copy of the Report of the Attorney-General, and also copies of the Phonographic Report of Mr. Bourinot, the shorthand writer above referred to.

I have lost no time in transmitting these Reports to Lord Lyons, and herewith inclose to your Grace a copy of the covering despatch which I addressed to his Lordship on that occasion.

I have, &c.
(Signed) HASTINGS DOYLE.

Inclosure 1 in No. 20.

Mr. Johnston to Major-General Doyle.

Sir,

Halifax, January 13, 1864.

HAVING attended throughout the examination of the witnesses on the part of the Crown against Drs. Almon and Smith, and Mr. Keith, charged with having obstructed

the execution of a warrant issued by the Mayor against George Wade and others, under the Extradition Treaty with the United States and the Act of Parliament for carrying it into effect, I am enabled to comply with the desire your Honour conveyed to me to furnish you with a summary of the result of the evidence.

The examinations occupied from 12 until half-past 7 o'clock. The witnesses examined for the prosecution were the City Marshal and three policemen; the Sheriff of the County; Lieutenant Reyne, of the 16th Regiment; and Myers Grey, Esq., a barrister of this city. The witnesses were examined on the part of the defendants, the proceedings in that respect being *ex parte*. The general result of the testimony was more certain and clear as to the leading facts than usual in cases of such a nature, and concerning these, as far this examination exhibits them, there cannot reasonably be mistake or apprehension.

Your order that no large or indiscriminate crowd should be admitted within the gates of the Queen's Wharf on the occasion in question was strictly carried out by Lieutenant Reyne, the officer in charge of the guard; and the perspicuity of this officer's testimony made it manifest that he had been a careful observer of all that passed.

With the exception of the acting policeman, whose natural excitement on such an occasion may account for some exaggerations, the witnesses variously stated about thirty, forty, and fifty, as forming the whole number assembled, including persons in the Commissariat employment and in other public services.

Of this assemblage, there appears to have been probably about eighteen on the slip when the men were landed, and it was here that the transactions took place. The rest seem to have been dispersed about the wharf and open space at its head, which together form an area, as you are aware, of no inconsiderable extent.

On the slip were the United States' naval officer, the High Sheriff of the county of Halifax, your aide-de-camp Captain Clerke, the Provincial Secretary, the Acting American Consul, Lieutenant Reyne, and some other officials, together with three or four policemen, so that the number of unofficial civilians on this spot was very trifling.

The three men to be given up were landed in irons. This was a cause of just offence to the public; it was an unnecessary continuance and exhibition of the force which the rendition of the men acknowledged to have been illegal; and to the men, especially to the two citizens against whom no complaint existed, and who had suffered already over two days of rigorous confinement in irons, it was a needless prolongation of the wrong and indignity under which they had suffered.

This circumstance had excited a good deal of indignation in the city when it came to be known, but the evidence did not show that in the first instance, among the bystanders on the occasion, any ebullition of feeling from this or any other cause was made apparent.

The Sheriff, before he accepted the transfer of the men, required the removal of the handcuffs; these were taken off by the American officer on the slip. Wade was the first released, and remained standing beside his fellow-prisoners while their irons were being taken off. The Sheriff then informed the three men that they were free.

About this time a boat with two men was proceeding from the dock of the fishmarket, the next adjoining to the North Dock of the Queen's Wharf, rowing, as was stated by some of the witnesses, and not contradicted by any, towards the stream in the direction that would lead the fisherman homeward. Dr. Almon stepped to the edge of the slip and hailed this boat, beckoning to the men to come in; they did not hear or did not heed the first call, but in compliance with a second, changed their course and pulled into the slip, when Dr. Almon told Wade, who still stood unmolested on the slip, to get into the boat; he did so without any obstruction from any one, and the fisherman pushed off. The boat with Wade and the two fishermen on board had proceeded a short distance from the slip, when the policeman Hutt, to whom the warrant had been entrusted, rushed down to the water's edge, called aloud to bring back the boat and presented a pistol towards the men in the boat, threatening to fire if they did not return. He said he used the Queen's name and intimated that he held a warrant, but the other testimony did not corroborate this statement.

It is not clear whether or not Dr. Almon offered any obstruction, passive or direct, to Hutt as he rushed down the slip. It seems probable that he then called to the boatmen to push on, but it is certain that when the pistol was presented he interfered. Some of the witnesses say he threw up the constable's hand in which he held the pistol, others that he pulled it down; a struggle however immediately followed, in which Dr. Almon was in actual, or in the view of the spectators in apparent, danger from the direction of the pistol in the constable's hand. At this stage Dr. Smith interfered, seized the policeman's arm, and endeavoured to wrest the pistol from him or avert its aim from Dr. Almon, and Mr. Keith's interference followed with the same object.

Meanwhile the fishermen who had paused and backed a little at the policeman's command and threat, were urged by Dr. Almon to proceed, which, after some hesitation, they did; and before the other policemen could reach them they had rounded the wharf, and being skilful and vigorous oarsmen were quickly hid from sight by the wharves and vessels, and no doubt were soon beyond the city limits and the authority of the Mayor's warrant and the policemen's authority.

There was nothing in the evidence to indicate concert between the fishermen and Dr. Almon, and nothing to raise the suspicion of concert between him and Dr. Smith or Mr. Keith or any other of the bystanders. Beyond a cheer from the end of the wharf at the boat was moving past, and contradictory cries to the boat, while hesitating near the slip—some to go on and others not to go on—there was no interference, except by the three persons accused, and of two of them, Dr. Smith and Mr. Keith, taking the evidence of most reliable witnesses, their interference was limited to the rescuing of Dr. Almon from apparent imminent danger, in which he was placed, from the pistol of the constable. Other questions arose, as whether the Policeman Hutt could be known by any distinguishing badges. He had not on the usual hat or cap, and his uniform coat was concealed by an overcoat buttoned to the throat, leaving no insignia of office apparent beyond a button or two of the collar in front, but to a person not immediately in front of him, or at any distance, or not observing closely, he would not have been recognised as a constable. Again, the policeman swore he held the warrant in his left hand all the time, but no other witness testified to seeing it, and that was easily accounted for, because he showed how he held it; that is to say, doubled, and with his hand closed over it. These might have been important inquiries as regards the constable had any man in the boat been shot; as regards Dr. Almon, they were not important, as he knew Hutt's official character, and had seen the warrant.

The delay in arresting Wade the moment he was released was accounted for by the Sheriff's having told Hutt, when he informed him he had a warrant, not to interfere till his (the Sheriff's) duty had been completed, and to give a little interval. On the whole of the evidence it seemed that the policemen were secure of the arrest, as Wade should come up the slip, and were surprised and thrown off their guard by his retreat in the opposite direction, and as far as could be discovered from the evidence, his escape resulted from means that casually offered at an opportune moment.

Unquestionably the evidence afforded no ground for reports freely circulated that implicated the citizens at large, or any great number of them, in the prevention of Wade's arrest at the time in question, or that gave to the transaction the character of a general or overpowering riot.

No arrest having been made the case fell short of one of rescue, and the charge is confined to the obstruction of a police-officer in the discharge of his duty, and the aiding of one accused of a high criminal offence to escape from justice. Dr. Almon, after some extended remarks, pleaded not guilty, and relieved the parties charged with him from any complicity with his act. Dr. Smith stated that he went to the wharf purely from curiosity, and had only interfered when he believed his interference necessary to avert bloodshed. Mr. Keith's statement was to similar effect.

They are under recognizance with sureties to appear at the Supreme Court at its next sitting in April, and the witnesses are or will immediately be under recognizances to appear to give evidence.

I am, &c.
(Signed) J. W. JOHNSTON.

Inclosure 2 in No. 20.

Major-General Doyle to Lord Lyons.

My Lord, *Government House, Halifax, Nova Scotia, January 20, 1864.*

IN consequence of the gross misrepresentations which have appeared in some of the American newspapers relative to what is termed by them "the rescue of Wade by a Halifax mob," and which appears to have caused so much bad feeling on the part of the American public towards this Province, I considered it my duty to desire the Attorney-General to attend and watch the proceedings of the examination which took place a few days ago in the Mayor's Court, relative to the escape of Wade, and also caused a reliable shorthand writer to note the evidence given by the several witnesses. I have now the honour to transmit for your Lordship's information a copy of the report which has reached me from the Attorney-General, and also copies of the phonographic report, by Mr. J. C.

Bourinot, the shorthand writer above referred to, by both of which documents your Lordship will perceive that the circumstances detailed in the Report of Lieutenant Reyne, the officer of the guard at Queen's Wharf on the occasion of the escape of Wade, which I had the honour to transmit to you with my journal of the 23rd ultimo, and which formed one of the inclosures, have been fully substantiated, and it has been clearly proved throughout, that instead of Wade having been rescued by a mob there were not in all forty persons on the Queen's Wharf, which is a large one, the civilians among them all of respectable position.

It is also clearly shown that no rescue ever took place, although there is no doubt the arrest of Wade was obstructed by Dr. Almon, Dr. Smith, and Mr. Keith; the first-named having called a boat which was proceeding in the stream, into which Wade jumped, and by which means he escaped. The two latter gentlemen appear to have been but slightly implicated, as they do not seem to have taken any part in the matter until after the struggle between Dr. Almon and the constable, who was presenting the pistol at the boat, had commenced. It will also be observed that not a shadow of evidence proves that there was any concert or premeditation to obstruct the arrest of Wade.

The concluding paragraph of the printed evidence will show that Messrs. Almon, Keith, and Smith, have entered into a joint bond for 200*l.* each, with two securities in 100*l.* each for their appearance at the Supreme Court in April next.

This examination having been taken on oath will, I trust, prove to your Lordship and the American Government how grossly the real facts have been misrepresented by the generality of the American Press, and that I have done all in my power to vindicate the law by taking the necessary steps to punish the alleged offenders of it.

I have, &c.
(Sgnd) HASTINGS DOYLE.

Inclosure 3 in No. 20.

Supplement to the "Halifax Reporter" of January 19, 1863.

THE WADE CASE.

Examination in the case of Dr. Almon, Dr. Smith, and Mr. A. Keith, Jun., charged with interfering with the Police in the discharge of their duty.

[Phonographic Report by J. G. Bourinot.]

ON Monday, the 11th of January, Dr. Almon, Dr. Smith, and Mr. Alexander Keith, Jun., appeared before the Mayor to answer the charge of interfering with the police in the discharge of their duty on the 19th ultimo, on the Queen's Wharf in this city.

His Worship the Mayor presided. Alderman Roche, being the police magistrate for the week, was on the Bench. The Hon. Attorney-General was also present to oversee proceedings. J. W. Ritchie, Esq., Q.C., appeared on behalf of the accused.

In the commencement of the proceedings, his Worship stated that it was not usual to conduct such examinations in open Court. He did so in the present instance because he conceived the ends of justice would not suffer; but he wished it to be understood that this must not be drawn into a precedent. The examination of witnesses was then proceeded with.

Evidence of Policeman Hutt.

Lewis Hutt, being sworn, testified as follows:—

I am a policeman in the city of Halifax. On the 19th of December last, about twenty minutes to 1 o'clock, I had a warrant placed in my hands for the apprehension of George Wade. It was a general warrant, and comprised some fourteen names. I saw the Sheriff of the County, Mr. Sawyer, shortly after on the Queen's Wharf, and I told him that I had a warrant to arrest Wade. He told me not to be too quick, but to give the man two or three minutes. I met Dr. Almon before Wade was released, and he asked me what I was doing there. I made answer that I wanted to arrest Wade. He asked me if I had a warrant, and I replied I had. He inquired whose name was on it, and wished to see it. I took the warrant from my pocket, and showed him the signature. He looked at it an instant, and then said, "It is the Mayor's signature; it is a shame." Some time after this the man Wade came ashore—the exact time I cannot tell. He came in an American boat and landed on the slip, about twenty feet from the capstan of the wharf, near the water's edge. He was then in irons, in charge of the officer of an American man-of-war. There were two others, also in irons, in the same boat. All three were landed on the

slip, and I walked down a few steps to see which was Wade, for I did not know him. The slip is sixteen or fourteen feet wide, and will hold a good many people. I walked down and heard the Sheriff call out the name of "George Wade." I then stepped back a few feet to receive the man when he was released, thinking he would come up the slip. I wished to let him come up a few steps without trying to arrest him. I think the Sheriff had a list of names in his hand; his object in calling them out was to release them; I don't, however, know what he said to them. I then heard some one call out, "What man is that going into the boat?" I ran down the slip, and got through the crowd, which was considerable, as far as the water's edge, and saw Wade in a boat pulled by Gallagher and Holland, the aquatic champions. I had the warrant at this time in my left hand. I called out to the men in the boat to come back in the Queen's name. I called Gallagher by name. I was dressed as I am now, the buttons of my uniform showing above my overcoat in front. When I first called out I had nothing in my right hand. The crowd the while was singing out for the boat to go on. I put the warrant in my pocket, unbuttoned my coat, and drew a revolver which I had in a belt around my waist. Sometimes, as a policeman, I wear firearms.

Alderman Roche observed—I am a magistrate, but I was not aware that the police usually go armed.

Witness continued—The revolver which I drew from its leather case was loaded with powder and bullet. I am sure I loaded it myself. I presented it at the boat. I told Gallagher if he did not come back I would fire at him. I do not know whether it was his boat or not, but he was pulling. They next backed the boat to me on the slip. Dr. Almon then seized hold of me by the arm. Mr. Keith also took hold of me and tried to screw the pistol out of my hand. I bent downwards, trying to wrest the pistol from Dr. Almon and Mr. Keith, and when I rose up I found Dr. Smith had also hold of me. During the time they held me the crowd was huzzaing. It was not then my intention to fire. During the whole affair my overcoat was open, and they must have known that I was a policeman. Dr. Almon is gentleman enough not to deny that he knew I was. They held me perhaps five minutes altogether; I cannot tell the exact time. When I succeeded in looking up I could not see the boat. It had managed to get off. I then came up the wharf and went to the police office.

Cross-examination: *Dr. Almon* then examined the witness.

Q. Under whose directions were you at the Queen's wharf?—*A.* Under the Marshal's.

Q. You had no conversation whatever with the Consul (Mr. Gunnison) on the wharf.—*A.* None whatever.

Q. Was it Mr. Gunnison that exclaimed, "That's Wade getting into the boat?"—*A.* I cannot say.

Q. How long were you to refrain from arresting him when released?—*A.* The Sheriff's direction to me were, not to be in a hurry, but to give Wade two or three minutes. That will account for the man getting into the boat before I tried to arrest him.

Mr. Roche—Do you recognize Mr. Gunnison as an American Consul?—*A.* I believe he was acting as Consul.

Mr. Roche—I understood he was a minister of a congregation in Halifax.

Dr. Almon continued—How far was the boat from the place where you were standing?—*A.* About a boat's length.

Q. Did you see Wade get into the boat?—*A.* I was standing behind the crowd and could not see him.

Q. When did you take the writ out of your pocket?—I had it in my left hand, folded up, all the time.

Q. Did anybody see it in your hand?—*A.* I cannot say.

Q. Did you say, "Come back in the Queen's name?"—*A.* I am positive I did.

Q. What would you say if twenty or thirty persons who were present would swear you did not say so?—*A.* I cannot help it.

Q. Did you notice any strangers on the wharf? *A.* I spoke to one Southerner, half an hour before; one Major Summers. I cannot say if there were any others there.

Q. On your going down on the wharf, did the sentry, not knowing you, try to stop you?—*A.* He did; my coat was just as it is now. He did not know I was a constable at first. I turned my front towards him, and when he saw my buttons and number he let me go on. The sentry was along the sidewalk a piece when he asked me to stop. He looked at me an instant, and then said, you can go on.

Q. Were you in fun when you presented the pistol?—*A.* I was.

Q. I spoilt the joke then?—*A.* That's just it.

Q. Was there a cap on the pistol?—*A.* I don't think there was.

Mr. Ritchie next examined the witness :

Q. When did you first perceive *Mr. Keith* and *Dr. Smith*?—*A.* I cannot say. I do not remember seeing them before the scuffle. *Dr. Almon* first seized me, and almost immediately after, *Mr. Keith* took hold of me. Some time after this scuffle I saw *Dr. Smith*; that was when I raised my head.

Q. Was your pistol presented in a dangerous way?—*A.* It was directed towards the boat.

(On being further pressed as to this point, he admitted that if it had gone off it might have shot any one of the men in the boat.)

Q. Was your conduct calculated to induce the belief that you would use the pistol?—

A. If I spoke the truth, it would be of course thought that I would fire. I intended making the men believe I would do so.

Q. The same idea, I presume, would be conveyed to the bystanders on the wharf.—

A. Of course.

Q. Could you have told which of the three men would have been killed if it had gone off?—*A.* It was not going off.

Q. Suppose it had gone off accidentally?—*A.* But it was not going off accidentally.

Mr. Ritchie repeated the question.

A. If I had fired it, perhaps I would have killed some one, and perhaps not.

Mr. Roche—You are a very dangerous man to have a pistol, in that case.

Mr. Ritchie continued—If you had been intending to fire, you would not have been surprised at some bystander knocking down the pistol?—*A.* I cannot tell.

Q. Who were the persons in the boat?—*A.* Wade, Gallagher, and Holland.

Q. Were you aware if Gallagher and Holland knew you had a warrant?—*A.* I cannot tell.

Mr. Roche—Whom did your pistol cover?—*A.* No one, that I know of. I am not in the habit of using fire-arms rashly. It was a Colt; it was not self-cocked.

Hon. Attorney-General asked—What number of persons were within the inclosure?—*A.* I cannot tell the exact number; perhaps a hundred. Some were on the slip, and others on the wharf.

To Mr. Ritchie—I was never stopped before on going down to the wharf. I cannot say if there was any special order on that day.

To Hon. Attorney-General—There were no persons outside when I went in.

To Dr. Almon—I cannot say if Wade had any trunk with him, or any bundle of clothes.

Dr. Almon—I only question the witness on this point, in order to show that if there was a robber anywhere, it was not Wade.

Witness, at the request of the Attorney-General, here described the mode in which he held the warrant. He held it quite closely folded in his hand.

Examination of the City Marshal.

James Cotter, City Marshal, was sworn and examined :—

On the 19th December I had a warrant placed in my hands for the arrest of Braine, Wade, and others charged with murder and piracy. I placed it in the hands of Hutt, a member of the police force, with verbal instructions to be on the Queen's Wharf, for the purpose of arresting Wade, who was to be landed on that day at 1 o'clock. The Counsel for the American Consul, *Mr. Morse*, informed me that it would be about 1 o'clock, and that he would see me before that hour. He it was who handed me the warrant. I did not see *Mr. Morse* afterwards as he had promised. The first message I got was from Hutt to send a policeman down to the wharf to help him. I took policeman Hood with me to the wharf; I remained there a short time, when a boat from the American ship came and landed three prisoners in irons on the slip. I saw Hutt, Hood, and Burke (policemen), standing close to where the prisoners landed; also several gentlemen. There was a delay of four or five minutes after the landing referred to. I left the slip and went to the American Consul and his attorney, who were standing on the wharf. After communicating with them, I turned round and recognized one of the prisoners in the boat. I asked *Mr. Gunnison* who it was, and he replied it was Wade. I then ran down the slip. A number of gentlemen were standing on it, close to the water. I saw Hutt with a pistol in his hand, calling on the boat to return. I saw that the people in the boat were inclined to come back, and, in fact, they did back somewhat. If I had been in the Commissariat boat, moored at the wharf, I could have got into the flat in which Wade was. I left the slip and went on the wharf, thinking to find them in the same position; but when I got to the Commissariat boat, they were out of my reach. I called out repeatedly for them to

come back, but to no purpose. A number of voices from the wharf urged them to go on. I called upon the officer in charge of the American boat to bring it to the wharf; but my voice was drowned by others exclaiming, "No, no;" and the American did not come to me, but went away. As the boat left the wharf with Wade in it the crowd cheered them on. The pistol was given by myself to Hutt on the previous night. I had received intimation that a number of the men charged with murder and piracy had taken passage in a steamer lying at Stevens' Wharf, and I had reason to believe they were armed and would resist any attempt to arrest them. Under these circumstances I thought it necessary to arm the police. The warrant in question only extended to the precincts of the city. I had no means to pursue the men in the boat, which was pulled, I believe, by the best oarsmen on these shores.

Cross-examination:—*To Dr. Almon*—It would have been possible for me to have taken the warrant away from Hutt and given it to another, or to have served it myself. I saw you speaking to Hutt, then leave the wharf, and return a few minutes after. It might have been possible for me to have taken the warrant away from Hutt in the meantime; but I did not do so. I did not see the scuffle on the slip.

Dr. Almon—Can you wonder at the crowd cheering and sympathising with the escape, when they saw that two native-born Nova Scotians—the Henrys—free men the day before, were brought ashore in shackles, having been taken illegally from a British vessel in British waters, and confined secretly in an American man-of-war?—*A.* As City Marshal I must lay aside all private feelings.

To Mr. Ritchie—The men in question came ashore in custody of an American officer. I cannot say who took off their manacles. I was instructed by Mr. Morse to arrest Wade immediately after he was freed by the Sheriff. I had no instructions whatever from anybody else. I knew immediately after Wade's escape that the Sheriff had told Hutt to give him (Wade) a few moments' respite. Hutt gave that as the reason why the arrest was not made immediately.

Mr. Roche—To give him breathing-time on British soil.

To Mr. Ritchie—The object was, I presume, to bring Wade before the Mayor. I cannot say if the ultimate object was to send him to the States. I presume it was the object of the American Consul and attorney to have given him over to the Americans, if liable under the Ashburton Treaty. Wade was in the exclusive custody of the American officer when I went down to arrest him. I saw him in irons after I received the warrant, and before it was attempted to execute it. I confess I would not have liked to have taken him with his shackles on; I would have taken them off before marching him to the station. I did not hear the Sheriff say that he was free.

Mr. Ritchie—Now let me ask you, as a Briton, would you consider it any crime for persons to say to Wade "Go on!" after he had had his shackles struck off, and he had been declared free by the highest officer in the county?—*A.* I cannot answer such questions, for in answering them my feelings may influence my judgment.

Dr. Almon—Did you get any assistance from the American Consul when the constable Gardiner was murdered on board an American vessel?—*A.* No.

Dr. Almon—I only ask this to show that American officials, in some cases, are not so anxious to carry out the ends of justice, and convict murderers.

To Hon. Attorney-General—I do not think there was anything like 100 persons on the wharf. Perhaps there were 50. Some belonged to the Commissariat Department.

Examination of Policeman Hood.

W. Hood, policeman, was sworn and examined:—

On the 19th ultimo I was ordered by the City Marshal to go the Queen's Wharf to assist Hutt in the arrest of one Wade. I went to the wharf, and after I had been there about fifteen minutes I saw a boat with the prisoner in it come to the wharf. The officer of the boat spoke to the Sheriff, and then three men, including Wade, were brought on to the slip. The Sheriff afterwards read a paper to them, and told them that they were free, and could go where they pleased. I saw Dr. Almon wave his hand to a flat that was lying in the dock, and I heard him tell Wade to get into it. There was some noise, and I saw Hutt run down the slip and call upon the boat to come back. He did not name any person, but simply said, "Bring back that boat!" They did so for a short distance, and Dr. Almon called out, "Shove off, shove off!" He also told the American boat alongside not to interfere. Hutt called to the boat again, and drew his pistol. Dr. Almon thereupon seized hold of him from behind, knocking down the arm holding the pistol, and confining both arms to the side. (Witness here exemplified the process on a gentleman standing alongside.) A. Keith, Jun., then came and seized me by the right arm, to prevent me aiding Hutt. Dr. Smith also came up and interfered. By this time the boat got off amid the cries

of the crowd. I was in the act of wrestling with Dr. Almon when Keith came up and seized me. Keith might have had hold of Hutt at the same time. The number of people on the slip prevented Wade being arrested. All were apparently under the control of Dr. Almon.

Mr. Roche—Do you believe that Dr. Almon can exercise such wonderful control over the citizens of Halifax? I don't.

Cross-examination :—*To Mr. Ritchie*—Dr. Almon appeared to be the chief among the crowd. I did not see him interfere until the pistol was presented at the boat. The Sheriff said the men were at liberty to go where they pleased.

Q. If the Sheriff told them to go where they pleased, was not that tantamount to a permission to go into the boat?—*A.* (After hesitation) I suppose so; they were told to go where they liked.

Cross-examination continued—Dr. Almon, after the scuffle, only interfered by calling to the boat to go on. All the men on the slip appeared to be under Dr. Almon's control. My reasons for stating so are his action in calling for the boat and his interference with the policemen. I have no other reasons for believing that he was at the head of the crowd. Wade was taken prisoner, I believe, from on board the "Chesapeake," in Sambro Harbour, by a Federal man-of-war. Sambro is not in the United States, but in Nova Scotia.

Q. Do you know if the warrant under which he was arrested at Sambro was similar to that held by Hutt, namely, a pistol?—*A.* I cannot say.

To Dr. Almon—I cannot say whether you know Wade from the Henrys. The whole of the men were released at once. I do not know them apart. You might have thought it was one of the Henrys in the boat.

Examination of Policeman Burke.

James Burke, policeman, was sworn and examined :

On the 19th ultimo I went to the Queen's Wharf, where I saw Hutt; I asked him what was the matter, and he replied that some prisoners were expected on shore from a vessel then lying in the stream. I waited until the arrival of the boat that contained them. The American officer in charge came on shore and spoke to the High Sheriff. The former then returned to the boat, and told the prisoners to come on the slip. They did so; and the Sheriff read a paper he held, and asked each of the prisoners his name. I then saw the American officer take off the shackles from each. I heard the Sheriff next say that they were free, or words to that effect. I next saw Dr. Almon shake hands with one of the men,—I don't know his name,—and whisper to Wade. Dr. Almon next beckoned to a boat that was apparently leaving the dock. The boat came alongside the slip, and the Doctor told Wade to get in, which he did. He also told them to move off, which was done. The next thing I saw was Hutt run down the slip, draw a revolver from his pocket and present it at the boat, or parties in it, calling out, at the same time, for them to bring it back. I don't recollect his exact words, but I think he said, "Bring back that boat!" I then saw Dr. Almon rush down and put his arms around Hutt's body; he said something to Hutt, but what it was I cannot tell. Whilst the Doctor had hold of Hutt, the men in the boat backed a short distance towards the slip, and then were desired to move on, which they did. I next saw Dr. Smith in the scuffle with Dr. Almon, Hutt, and Hood. I also saw Keith on the slip, but not in the scuffle. I then went on the wharf with the intention of jumping into the schooner alongside, and thence into the boat holding Wade; but the latter was too far off and I could do nothing. I saw it then pass the head of the Queen's Wharf. Wade laid down in the bottom of the boat a pair of extra boots he held in his hand and took up a couple of spare oars and helped the others in the escape. There were three pairs of paddles in all. I heard a great noise arising from people calling out, "Go on, go on!" Then I left the wharf, and coming outside saw a considerable crowd on Lower Water-street gathered around Dr. Almon and Hutt.

Cross-Examination :—*Dr. Almon*—I have stated everything as far as my memory serves me. I am positive there were three pairs of paddles in the boat that took off Wade. I am as confident of that as of any other statement that I have made.

Examination of the High Sheriff.

J. J. Sawyer, High Sheriff of the county of Halifax, was next sworn and examined :

On the 19th ultimo I received from the Government a commission to receive from Captain Cleary, of the United States' Navy, three men who were prisoners on board an American vessel of war, and said to be British subjects. I also received letters of instruction, naming the hour and place of landing, and desiring me, as soon as I had received the

men, to notify them that they were free. On that day about 1 o'clock, I went to the Queen's Wharf, and whilst waiting there for the boat to arrive, Hutt came up and asked me if I thought it would come, it being then past the hour named. I replied in the affirmative, and then he said, After you have done with them I have a warrant to arrest one. I observed that he had better not do anything until I had done with them,—that he had better wait a few minutes. A short time after that the boat came to the slip, and an officer stepped ashore and spoke to the Deputy Consul, Rev. Mr. Gunnison. I then made known to the officer that I was the person appointed to receive the prisoners. He thereupon directed the men to step on the slip. They were in irons. I asked to have them removed, which was done. I asked each man his name, and compared it with those on the document I held. I then said to them, "You are at liberty to go where you please," or words to that effect. Whilst the officers were in the act of striking off the irons, I discovered a flat coming from the fish-market slip over to that of the Queen's Wharf. Immediately on the men being released I observed some commotion among the people on the slip; some persons were in the act of urging one of the men to get into the boat referred to. At that moment Hutt came running down the slip, and a noise rose from persons calling out, some for the boat to go on, and others that it should stop. Hutt then rushed as far as he could on the slip,—into the water, I think,—and a struggle occurred between himself and others standing by. He had a pistol in his hand at the time, presented at the boat, and was calling out, "Bring back that boat." The persons struggling with him knocked his hand up into the air, as it seemed to me. There was a good deal of noise at that time in consequence of persons calling out. The boat then pulled out and I soon lost sight of her.

*Cross-examination:—To Hon. Attorney-General—*There were about forty persons at first on the wharf, but at 1 o'clock several went away, and I am sure there were not more than thirty present at any time afterwards. These included Commissariat officers and other employés. I understood the sentry had directions not to allow everybody to come into the yard. It was very low water at the time. I saw nothing to lead me to believe there was any preconceived design to aid the prisoners.

*To Mr. Ritchie—*I saw the pistol, after being presented, knocked up. The presentation of the pistol evidently gave rise to the scuffle. I did not see any writ. Hutt had on a light coat, buttoned up close, but I saw his number. Any one behind could not tell he was a policeman. I imagined the scuffle arose from a desire to prevent mischief arising from the pistol.

*To Dr. Almon—*There could not have been more than two pairs of paddles in the boat in question.

*To Hon. Attorney-General—*Dr. Almon, Dr. Smith, Mr. Keith, Mr. Pilsbury, Mr. Oxley, the Solicitor-General, the Provincial Secretary, and others—about a dozen, perhaps, in all—were on the slip.

*To Dr. Almon—*The crowd on the slip did not appear under the direction of any one.

Examination of Lieutenant Reyne.

Lieutenant Reyne, 16th Regiment, was next sworn, and testified: I was in charge of the main guard on the 19th December. I was sent for by the Major-General Commanding, who told me there would be three persons landed that day from an American man-of-war that I was not to interfere with them in any way. At the same time he gave me written instructions, that I was not to allow any person to come on the Queen's Wharf unless he was respectably dressed, that I was to take care that the High Sheriff, American Vice-Consul, City authorities, and persons holding warrants got in. About half-past one, an American man-of-war boat came alongside the slip, in which were three men handcuffed. A conversation ensued between the officer and Vice-Consul. The High Sheriff next said something to the officer, and the men were then told to come ashore. The man who escaped was the first liberated. He saw the other two liberated, and, during all this time, no attempt was made to apprehend him. Wade then walked quietly down to the water's edge, and got into a boat which was going from the market wharf into the stream. Who called the boat to the north slip I do not know. When the boat had got nine or ten yards from the slip, a civilian rushed down by the water; he had on a drab-coloured coat, and a wide-awake hat—it was impossible for any one to tell he was a policeman. When he got down to the water's edge, he called out, "Bring back that boat!" At the same time, he drew a pistol from his person, and pointed it at the men in the boat, when a civilian, whom I did not know at the time, threw up the arm holding the pistol. A slight scuffle immediately ensued. The pistol was then pointed in the face of the person who was interfering with the supposed policeman—the latter holding it over his shoulder. Then Dr. Smith ran down and seized the right arm of the supposed policeman; the boatmen were, at this time, hesitating whether to come back or go on. I was then told by Captain Clark, Aide-de-camp,

to go and fetch my guard down. I did so, but found it was not wanted. The boat was then nowhere to be seen.

Cross-examination: Hon. Attorney-General—I refused to let in a good many persons upon the wharf, not more than thirty civilians were present; about fourteen were on the slip; they included the Sheriff, Captain Clark, the Solicitor-General, Myers, Gray, &c. No disorderly conduct was displayed. There was no appearance of a preconcerted design to interfere with the arrest. The boat appeared to be going down the harbour before it was called.

To Mr. Ritchie—I thought the person who interfered with the supposed policeman would have been shot, if it had not been for Dr. Smith. I was surprised the pistol did not go off during the scuffle. I saw no sign of a warrant in Hutt's possession; neither did I know that he had one.

Examination of W. Myers Gray.

W. Myers Gray was sworn and testified :—I was on the Queen's Wharf on the 19th instant. I saw a boat come to the slip, having on board three men in handcuffs. I walked up to the top of the slip to where Mr. Reyne was standing; as also, Hutt and another policeman. The officer came on shore and was met by the Rev. Mr. Gunnison. The Sheriff, Dr. Tupper, and Mr. Henry (Solicitor-General), were standing below me on the slip at the time. I believe Mr. Gunnison introduced the officer to the Sheriff, who produced some papers. Several persons then moved down the slip to where the Sheriff was standing, and Captain Clark, Aide-de-camp, suggested to Mr. Reyne the propriety of telling the sentry to keep the people back. About this time, the prisoners landed on the slip. I went around the head of the slip, and down the side of the wharf, as I could not see very well in my previous position. I saw the handcuffs taken off, and heard the Sheriff tell the men, "You are free." There was a boat, about this time, going out towards the harbour from the fish-market slip, two men in her. I heard some one call out as the officer was going down to his own boat, "Look here, I wish to speak to you," and the American officer turned round, thinking, as I did too, that he was the person addressed. I saw a gentleman pass the officer and hail the boat that was going out. It came in, then, and backed up to the slip. The person just referred to went down and spoke to the men in it; the American boat was then pushed off, and whilst watching her, I lost what immediately transpired. The next thing I saw was one of the prisoners holding a pair of extra boots in his hand, and stepping into the boat. It had pushed off, and was about twenty or thirty feet from the slip, when I saw Hutt running down, his left hand being apparently under his coat. He called out, "Bring back that boat." I then heard some one say, "Go on, my man." The policeman presented a pistol at the boat, and some one then struck up his arm. He immediately threw his arm over his shoulder, as if intending to fire at the person behind him. I saw another person come down and catch hold of Hutt's hand. The pistol was pointing in every direction during the struggle; it looked very nasty in my own face at one time. I then went to the head of the wharf, and found the boat was going down the harbour.

Cross-examination:—Hon. Attorney-General—I don't think there were more than thirty or forty persons on the wharf, including Commissariat officers. The class of persons present were highly respectable. There was no sign whatever of disorderly conduct. The only trouble was the scuffle arising from the presentation of the pistol. I do not think there was any premeditated design to prevent the arrest.

To Mr. Ritchie—The boat was going out of the dock when she was hailed. I did not know there was any warrant; Hutt did not give any indication that he had one. It was impossible to tell, from looking at him, that he was a policeman.

Conclusion of Proceedings.

In reply to his Worship, the Hon. Attorney-General said he had no further evidence to offer. The Mayor then asked the accused if they had any statement to make, and added that they were not obliged to say anything; that whatever they did say would be taken down in writing, and might be used against them at their trial.

Mr. Ritchie asked if the proceedings were to be conducted to a termination before his Worship. The Mayor replied that he was not now trying the case. This was an indictable offence, and the present investigation was merely preliminary. Mr. Ritchie contended that the Mayor had full authority for trying the case finally.

The Mayor.—I don't consider we have been trying the case at all. The summons was issued by me as a Justice of the Peace, not as a Police Magistrate, and I have been conducting the proceedings in accordance with the Act that regulates the duty of Justices in

criminal cases. If the evidence raises a probable presumption of guilt, then it is the duty of the Justice to commit the party to jail, or to take bail.

Mr. Ritchie protested against the sending the case up. He could not imagine any offence to be more trivial in its character than the one which they had been inquiring into that day. He contended there was no evidence whatever to criminate the accused. The facts, briefly stated, were these: Three men, two of them at least British subjects, were brought on shore in manacles, and it was determined not to receive them in that condition. They were accordingly freed, and told they could go where they liked by the first officer in the county. Under these circumstances one of the number escaped in a boat that happened to be passing at the time. No riot took place; no combined attempt to rescue the man. Yet, a man rushes down after the permission of the Sheriff, and says, "Bring back that boat, or I will shoot you." No sort of distinction was made between Wade and the other men in the boat; any one of them might have been shot down. What citizen could do otherwise, in such circumstances, than interfere? What jury, after such evidence, could convict these gentlemen? The Court could not, he was sure do so, unless there was a desire to favour certain quarters. Why was it that this case was to be tried differently from many others that came up frequently? If any one of the audience present had been on the Queen's Wharf on the day in question, and not acted as did Dr. Almon, he would have been wanting in his duties as a citizen. As regards Mr. Keith, there was hardly a shadow of evidence against him. One man said "he took hold of me," and another, "he took hold of me," and it was obvious he could not have taken hold of both. Again, Dr. Smith's name was hardly mentioned at all in the affair. He repeated his belief, in conclusion, that if such a trumped-up case were sent to the Supreme Court, it must be because there was a desire to pay certain deference to some quarter or other.

Mr. Roche said he thought the Court had full jurisdiction over the matter. It was a transaction that occurred on that portion of Nova Scotia where the Magistrates of Halifax had full jurisdiction. It was a transaction between a policeman and a citizen who, from a motive of humanity, prevented the loss of life. If he had been on the wharf he would have acted just as did Dr. Almon.

The Mayor said: This is not an ordinary case. Let me however first observe, I am not acting with reference to any foreign Power or any one else. I am discharging my duty fearlessly as a magistrate. If instead of bringing these parties under the police authority and trying the case in a summary manner before the Police Court, I see fit to transfer the case to another tribunal, I do not think I am acting unjustly. I am doing that which I consider myself bound to do. By so doing I am not prejudging the case. The accused will go before a just tribunal. They have the grand jury, and then the petit jury. For all I know the Crown officers may not see fit to send it up to them. I think it is unfair to say that I am acting from extraneous motives. Men are allowed to have their own sympathies; but I would think myself unworthy to sit here if I allowed myself to be influenced by them. It is absurd to say there is no case against these gentlemen. It has been sworn most positively that Dr. Almon did know beforehand that Hutt had a warrant, for he looked at it and said, "It is a shame." Therefore it cannot be pretended that Dr. Almon did not know he was interfering with the police in the discharge of their duty. It was not against any foreign Government, but against his own, that he was acting. The writ was issued by me under the requisition of the gentlemen holding the position of the representative of Her Majesty in this province. To say that this was an ordinary case is absurd. It becomes us, having regard to the dignity and justice of the administration of the law in our own country, not to treat it as a trivial matter, but as one of importance. As regards Dr. Smith, it cannot be denied he was aiding and abetting Dr. Almon. Nor is it possible for me not to associate Mr. Keith with the other two gentlemen. Therefore, under the sworn evidence adduced here, it is impossible for me to make any distinction whatever between them.

Mr. Ritchie—If your Worship cannot make any distinction between them, I do not think it is worth while to say anything. I would not recommend them to say a word to-day.

Mr. Roche—I am not influenced in the slightest degree by the oration of the Mayor. I draw my own conclusions from the evidence; I will not be a jackal to a lion anywhere else.

Hon. Attorney-General said—I think the Mayor has the authority to proceed in the way he indicates. The law is open to a more summary mode, and the offence can be dealt with as a police offence. It is entirely discretionary with the Mayor, as a police magistrate, or as a justice of the peace, to pursue the one course or the other; but I cannot help feeling the force of the arguments that his Worship has adduced with regard to the relations of this transaction, and the peculiarities which must distinguish it from a

mere matter of discord between our own citizens. Therefore I feel the Mayor is quite justified in exercising his own judgment as to the proper course to pursue in the case before us.

Though there is not one of us that would be willing to surrender one jot of our Provincial dignity at the dictation of any persons or any communities or States, however important, yet at the same time we must feel that just now there are delicate relations subsisting between nations. We should not fail to respect the delicacy of those relations in which the parent State may be involved; and therefore we should look beyond the mere individual considerations that would be presented were the transaction merely local in its complexion.

The Mayor then stated that the evidence raising at the least "a probable presumption" of guilt, to use the words of the Statute, and the present proceeding being merely a preliminary investigation, it was his duty to call upon the parties to give bail to answer the charge against them at the next sitting of the Supreme Court.

Dr. Almon addressed the Court for a few minutes. He thought after the feelings manifested by his Worship that it would be as well not to have the case tried before him. He then went on to explain how he had become mixed up in the affair. The night the "Chesapeake" was brought into this port he was informed that an American officer, with a boat's crew, had gone on board a British vessel lying in Sambro harbour and taken out and handcuffed a sick man. He was told that the man's name was Locke, a Nova Scotian—a mistake as to the name, he afterwards found—and that he was then a prisoner on board the American gun-boat. He was determined that no Nova-Scotian should be kept a prisoner in British waters in a Yankee man-of-war. He therefore went to the Attorney-General, who said he would have the man brought out if it were shown he was actually on board under the circumstances stated. This occurred at 11 o'clock at night. In the morning he went to another gentleman, and it was decided to put the whole affair in Mr. Ritchie's hands. Mr. Ritchie found out there were two other Nova-Scotians beside the other, prisoners on board. The proper measures were taken to make this known to his Honour the Administrator, and the Government demanded that the men should be given up. The American captain remained two hours without acknowledging the letter on the subject, and wrote, saying that he had three men on board, inducing the belief that he had never received the letter in question. He (Dr. Almon) heard that these men were to be delivered up the next day, and that one of them was to be taken prisoner immediately afterwards. Perhaps the Mayor would have had to send him to a land where law is a mockery, and justice is denied; where judges have been imprisoned for giving a decision different to that of the man who sits on the throne of Washington; where that safeguard of civil liberty, the *habeas corpus*, is no longer in force.

Dr. Almon then went on to call Mr. Roche's attention to a matter in which the city authorities were interested. He asked why it was the city police have been engaged in hounding Braine and his associates about the country. The true reason was, the evidence of these men was known to be material in the case of the "Chesapeake," when it came to be adjudicated upon, and it was therefore found advisable to drive them out of the province. He then went on to say that improper use had been made of the telegraph line during the time of the "Chesapeake" excitement. He had on several occasions of emergency sought to get a message sent over the wires on a Sunday, even concerning cases of life or death, but he had been invariably refused. But while the "Chesapeake" was on the coast the wires were actively employed on the Sabbath, transmitting information along our own coasts and to Washington respecting her movements. No one, however, could be surprised at this, when it was recollected that in this country the telegraph was under the control of the Americans.

It seemed that the revolver was rapidly becoming the favourite writ in this country. It was used at Sambro; at Liverpool or Bridgewater—he forgot which—the only writ used in the attempt to arrest Braine was a telegram from Mr. Gunnison, and a revolver in the hands of Dr. Davis, the American Vice-Consul. He asked whether the officer who boarded the British vessel at Sambro, and stole the trunks of the men he had illegally captured and confined, was not the real pirate and robber. In conclusion, Dr. Almon pleaded "not guilty, in accordance with the form prescribed by the law."

Dr. Smith made the following defence:—

"I went down to the wharf from motives of curiosity, not anticipating what was to take place. I did not interfere until after the scuffle commenced, and then only to prevent bloodshed."

Mr. A. Keith's defence was as follows:—

"I heard that two men were to be released at the Queen's Wharf on the 19th, from some person in town. I went down there from motives of curiosity, and did not interfere

until the scuffle took place. I did not interfere with the policemen then to prevent him from discharging his duty."

The Court then adjourned until Wednesday at 12 o'clock, when Messrs. Almon, Smith, and Keith entered into a joint bond for 200*l.* each, with two securities for 100*l.* each, for their appearance at the Supreme Court in April.

No. 21.

Lord Lyons to Earl Russell.—(Received February 16.)

(Extract.)

Washington, February 1, 1864.

I HAVE the honour to transmit to your Lordship further papers relative to the affair of the "Chesapeake."

The first of them is a letter from Mr. Seward, stating the impression produced by the papers which (as I had the honour to report to your Lordship in my despatch of the 18th ultimo) I placed in his hands on the 16th instant. Your Lordship will observe that Mr. Seward, while acknowledging that the proceedings of Major-General Doyle, the Administrator of the Government of Nova Scotia, seem to have been conducted in good faith, affirms that his Excellency "ought to have relinquished to the Agents of this Government the stolen vessel, and the pirates found on board of her, subject to the express engagement of this Government to answer to the British Government any claim that it might have, either upon the ship or the men."

Mr. Seward seems to forget the flagrant violation of Her Majesty's territorial jurisdiction committed by the United States' officers, and the necessity it imposed on the Administrator of the Government to be more than usually careful to make it apparent that Her Majesty's rights had been vindicated. It may be observed, also, that there were no persons found on board the "Chesapeake" to whom the description of "pirates" can well be applied. The two men who were on board, and who were seized and put in irons by the United States' officers, when they took possession of the vessel in the British harbour, appear to have been British subjects who had gone on board the "Chesapeake" after her arrival at Nova Scotia, and who had no connexion with the previous seizure of that vessel by the passengers. The only man taken by the United States' officers who was implicated in that act of the passengers was Wade, who was not taken on board the "Chesapeake," but was violently seized by those officers on board a British ship in a British harbour.

I have thought it right to communicate a copy of Mr. Seward's letter to Major-General Doyle.

I have to-day placed in Mr. Seward's hands copies of the letter of the Attorney-General of Nova Scotia, and of the report of the proceedings against the persons concerned in preventing the arrest of Wade at Halifax, which form the fourth and fifth inclosures in the present despatch.

The remaining inclosures relate principally to the demands on the Governments of Canada and New Brunswick for the extradition of men concerned in the seizure of the "Chesapeake" at sea.

Inclosure 1 in No. 21.

Mr. Seward to Lord Lyons.

My dear Lord Lyons, *Department of State, Washington, January 18, 1864.*

I HAVE received your Lordship's papers relating to the case of the "Chesapeake" at Halifax, described as follows:—An extract from a despatch from General Doyle, Administrator of the Government of Nova Scotia, to you, dated the 6th instant; a copy of a telegram from General Doyle to you, dated the 14th instant; and a copy of a letter from the Mayor of Halifax to the Provincial Secretary, dated the 30th of December last.

It gives me pleasure to acknowledge that the proceedings of the Governor-General of Nova Scotia in regard to this matter seem to have been conducted in good faith towards his own Government, as well as towards that of the United States.

It appears to the President, however, that the Governor-General, as the executive officer of the province of Nova Scotia, under the circumstances of that extraordinary case, ought to have relinquished to the agents of this Government the stolen vessel and the pirates found on board of her, subject to the express engagement of this Government to

answer to the British Government any claim that it might have either upon the ship or the men. It will be fortunate indeed if the delays which have resulted from the opposite course adopted by his Excellency do not encourage the same or other offenders to the commission of new crimes against the peace and dignity of both countries. We shall await the termination of the judicial proceedings which have been instituted in the case with deep interest, and it can hardly be necessary for me to say, that in the view of this Government, no adverse decision of the provincial tribunals can modify the claim of the owners of the vessel and cargo to the full restitution which has been asked by this Government.

I am, &c.
(Signed) WILLIAM H. SEWARD

Inclosure 2 in No. 21.

Lord Lyons to Major-General Doyle.

My dear General Doyle,

Washington, February 1, 1864.

I INCLOSE a copy of a semi-official letter, dated the 18th instant, which I have received from Mr. Seward, and in which he comments on the papers concerning the affair of the "Chesapeake," which, as I informed you in my despatch of the 18th, I put into his own hands a day or two before.

I do not object to your making the members of your Government acquainted with the contents of Mr. Seward's letter, if you consider it important to do so.

Yours faithfully,
(Signed) LYONS.

Inclosure 3 in No. 21.

Major-General Doyle to Lord Lyons, January 20, 1864.

[See Inclosure 2 in No. 20.]

Inclosure 4 in No. 21.

Mr. Johnston to Major-General Doyle, January 13, 1864.

[See Inclosure 1 in No. 20.]

Inclosure 5 in No. 21.

Supplement to the "Halifax Reporter," dated January 19, 1864.

[See Inclosure 3 in No. 20.]

Inclosure 6 in No. 21.

Lord Lyons to Major-General Doyle.

Sir,

Washington, February 1, 1864.

I HAD on the 28th ultimo the honour to receive your Excellency's despatch of the 20th ultimo, transmitting to me information respecting the proceedings against the persons charged with obstructing the execution of the warrant for the arrest of Wade.

I have put into the hands of the Secretary of State of the United States copies of the letter addressed to your Excellency by the Attorney-General of Nova Scotia, and of the printed Report of the proceedings before the Mayor of Halifax.

I have, &c.
(Signed) LYONS.

Inclosure 7 in No. 21.

Viscount Monck to Lord Lyons.

My Lord,

Government House, Quebec, January 20, 1864.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 13th, inclosing copy of a note from the Secretary of State of the United States, demanding the extradition of John C. Braine, H. A. Parr, John Parker Locke, alias Vernon G. Locke, David Collins, George Robinson, and John Wade, fugitives from the justice of the United States.

In reply I have the honour to inform your Excellency that I have referred this application to the Law Officers of the Crown in Canada for their Report.

I have, &c.
(Signed) MONCK.

Inclosure 8 in No. 21.

Lord Lyons to Mr. Seward.

Sir,

Washington, January 30, 1864.

I LOST no time in communicating to the Governor-General of Canada the note dated the 13th instant, in which you did me the honour to inform me that you considered it possible that John C. Braine and others, fugitives from the justice of the United States, might have taken refuge in Canada, and that you would therefore ask that the necessary measures should be taken by the Canadian authorities for their extradition, in pursuance of the 10th Article of the Treaty of Washington.

The Governor-General has informed me in reply, that he has referred this application to the Law Officers of the Crown in Canada for their Report.

The Governor-General had not any reason to suppose that any of the persons named had come within Canadian jurisdiction.

I have, &c.
(Signed) LYONS.

Inclosure 9 in No. 21.

Lieutenant-Governor Gordon to Lord Lyons.

*Government House, Fredericton, New Brunswick,
January 21, 1864.*

(Extract.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 5th instant, and am gratified to learn that the Cabinet of Washington appreciates the prompt action of this Government in reference to the alleged piratical seizure of the United States' steam-ship "Chesapeake."

A determination to observe in the strictest manner the requirements of international law, and to fulfil every obligation of international courtesy, will, I trust, always be found by the Government of the United States to exist on the part of this Province.

In my despatch of the 28th ultimo I informed your Lordship that I had issued my warrant, authorizing the arrest of the parties implicated in the transaction referred to. Since that date three of those persons, David Collins, James McKinney, and Finns Seeley, have been arrested at St. John.

The Honourable J. H. Gray, of St. John, one of the Counsel for the accused, applied to me on the 31st ultimo on behalf of his clients for copies of the requisition upon which my warrant authorizing the arrest was founded, and of the depositions which accompanied it.

I accordingly transmitted the required documents to Mr. Gray, at the same time stating my reasons for declining to entertain his application as a matter of right, whilst I acceded to it as an act of courtesy for which persons in the position of the accused might fairly look. At the same time I informed the United States' Consul of my decision.

Inclosure 10 in No. 21.

Lord Lyons to Lieutenant-Governor Gordon.

Sir,

Washington, February 1, 1864.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 21st of this month, informing me that three of the men implicated in the affair of the "Chesapeake" had been arrested at St. John, and that your Excellency had communicated to their Counsel copies of the requisition upon which your warrant authorizing their arrest was founded. I am very much obliged to your Excellency for the information you have been so good as to send to me with regard to the communication of the requisition. The subject has not hitherto been mentioned to me by the Secretary of State of the United States, nor have I spoken to him about it.

I am, &c.
(Signed) LYONS.

No. 22.

Major-General Doyle to the Duke of Newcastle.—(Received February 16, 1864.)

My Lord Duke,

*Government House, Halifax, Nova Scotia,
February 4, 1864.*

IN accordance with the promise which I have made to your Grace to keep you informed of any further steps which may have been taken in this Colony with regard to the affair of the "Chesapeake," I have now the honour to transmit the copy of a report which I have called upon the Advocate-General of the Court of Vice-Admiralty to make to me on certain proceedings which have transpired in that Court with reference to the above-mentioned vessel.

I have, &c.
(Signed) HASTINGS DOYLE.

Inclosure in No. 22.

Mr. Johnston to Major-General Doyle.

Sir,

Halifax, February 11, 1864.

I HAVE to inform your Excellency that yesterday in the Vice-Admiralty Court motions were made upon claims asserted on behalf of owners of British goods, part of the cargo of the steamer "Chesapeake," and as Advocate-General, having previously examined and been satisfied with the proofs, I signed consent to restitution upon payment of any salvage and costs that might attach. The Judge intimated that he would on Friday (to-morrow) make order respecting salvage costs, &c. Motion was also made upon a claim asserted for the ship and also for all the cargo not specifically claimed. The proofs sustaining the claim for the ship were not free from some objections, but on the whole I thought they might be considered as sufficient in the first instance, and consented to restitution upon security being given to meet latent claims, and upon payment of any salvage and costs. The claimants' proctor took time to ascertain his ability to find security.

The claim asserted for the cargo not specifically claimed by the party claiming the ship, and as going with her, was not recognized, and stands over in case it should be deemed advisable to move in it hereafter, where, after longer time has been allowed for specific claims, the objections may be less effective than at present.

I have, &c.
(Signed) W. J. JOHNSTON.

No. 23.

The Duke of Newcastle to Major-General Doyle (and Lieutenant-Governor Gordon).

Sir,

Downing Street, February 22, 1864.

WITH reference to the correspondence which has passed on the case of the "Chesapeake," I have the honour to inform you that, on the subject of the violation of

British territorial jurisdiction by the officers of the United States' steamer "Ella and Annie" in their pursuit of the persons who had seized the "Chesapeake," the United States' Government have made a full and unqualified apology, which Her Majesty's Government have accepted in the same friendly spirit in which it has been offered, and with a feeling of satisfaction that the matter has been settled in a manner honourable to both parties, and calculated to improve the good relations between the two Governments.

I have, &c.

(Signed) NEWCASTLE.

No. 24.

Lieutenant-Governor Gordon to the Duke of Newcastle.—(Received February 16, 1864.)

My Lord Duke,

Fredericton, February 1, 1864.

I HAVE the honour to transmit for your Grace's information a report of the evidence adduced in the case of the "Chesapeake," since the date of my last despatch on the subject.

Your Grace will probably be surprised to find an investigation commenced before the police magistrate on the 28th of December still unconcluded.

I have also the honour to inclose copies of further correspondence between the Hon. J. H. Gray and myself.

I have, &c.

(Signed) ARTHUR H. GORDON.

Inclosure 1 in No. 24.

Newspaper Extracts.

THE "Chesapeake" investigation is being spun out to an interminable length. On Thursday the evidence against the prisoners was read over to them, and they plead "Not Guilty" to the charges of piracy and murder, and declared that what they did was done in behalf of the Confederate States; that they had no intention of doing anything criminal; and they believe they have not so done. To meet the wishes of Mr. Gray, further investigation was postponed until Tuesday next, when that gentleman will enter on the defence, and will submit, as he alleges, both documentary and oral testimony. People are curious to know whence the "oral" proof is to come. Mr. Gray submitted copies of the depositions on the strength of which the Lieutenant-Governor issued his warrant for the arrest of the "Chesapeake's" captors.

The "Chesapeake" case.

WE reprint, from the "Morning News," the evidence put in in this interminable case yesterday. The Court adjourned until 11 o'clock to-morrow morning, a fact that we hope the Counsel for the prisoners will not overlook. One of the Halifax papers says that some evidence has been sent from that city that will put a materially different face upon the matter, in favour of the defence:—

John Ring was then called and sworn: I live in Carleton; have lived there all my life. Know McKinney and Seely, two of the prisoners. Knew Watters who gave evidence the other day. I was at meetings in Lower Cove when a proposal in reference to taking a vessel was named. It was proposed to take men for the Confederate service. I saw there a man called Braine, and another called Captain. Did not see a person called Parr at either of the two meetings, both of which I attended. Another man, in presence of the Captain, showed what was his (the Captain's) authority. I knew it by a large seal; upon which was what I took to be a man's head and body; it was on the left hand near the corner. There was another seal on the right hand side; it looked like a blot. I saw Jefferson Davis's name at the bottom. I swear that that is the identical paper that was read at the meeting. The man had just concluded the reading of the paper when I entered. [Mr. Gray wished the paper to be read by the witness, but Mr. Wetmore objected, and the Magistrate ruled that he could not receive the paper in evidence unless proved genuine. Mr. Gray wished it to be read merely to show the animus of the parties, not the genuineness of the document.]

Cross-examined by Mr. Wetmore :—The blot looked dark. I can't say whether both seals were on the same side or not.

James Tricartain sworn : I live in Carleton ; was born and brought up there. Was not at both meetings in Lower Cove ; was at the last one. Watters and Ring were there. A man called Braine was there. I was introduced to Captain Parker. Asked Parker for his authority. He pointed to a gentleman present who, he said, would show his authority. The gentleman took a white envelope from his pocket, and drew out a paper, on the back of which there was a small seal. I saw the large seal when it was opened. Heard it read. It commenced with " Jefferson Davis, President of the Confederate States of America." Jefferson Davis's signature was at the bottom.

Cross-examined by Mr. Wetmore :—I identified the document by the seal, and by the name Jefferson Davis at the bottom written out in full. I saw it once since in Mr. Gray's office. It was Thursday last, about 7 o'clock in the evening. I went there to see Mr. Gray, as I understood he wished to see me. Mr. Gray, Ring, another gentleman (meaning Mr. Weldon), and myself were there. Mr. Gray asked me to give him a description of the paper. I did so, and he then handed it to me. [Here Mr. Gray was about handing the paper to witness for the purpose of identification, when Mr. Wetmore objected to allow it to be placed in the witness's hand, unless he (Mr. Wetmore) should first be allowed to read it.]

Re-examined by Mr. Gray :—I identify the paper, which, as folded, you have placed in my hands. The red seal shown to me is the one which was on the paper on that occasion. I saw the seal when the paper was read. I looked at it for about five minutes. I examined it close enough to know that that was the seal ; there was a diamond stamp on it. Will not undertake to say there was a name alongside, nor that the paper was witnessed. I swear to the paper from the little seal on it.

The "Chesapeake" affair.

Police Court, Saturday.

AT 11 o'clock this morning the Court was crowded, it having leaked abroad that some gentlemen from the South were to give evidence which would materially affect the case. There were four of them, one pretty well advanced in years and of a robust frame, with a Celtic cast of countenance. The next was a man of perhaps thirty years of age, with long flowing hair, and a moustache and beard falling from the lip and chin, which he incessantly teased and stroked, while his cheeks were clean shaven. The third is a handsome-looking young man of about twenty-five, one who might, from the influence of wealth or family, get a position of trust, which he would no doubt fill mechanically, but no one would take him for one who by natural ability would attain either name or position in the world. The fourth is a harmless-looking youth, who would pass for a respectable grocery clerk, possessing no particular talent or quality. After some wrangling among the lawyers, the Commission, duly certified, establishing a Court of Admiralty in the province, was received as evidence. Some other documents which were found not to be properly certified to on a previous occasion were now brought forward and admitted. The examination of witnesses then proceeded.

Dr. Luke P. Blackburn, from the Confederate States, the old man referred to, was placed upon the stand, and testified :—

I am a resident of Natchez, Mississippi ; have been Medical Director of the State of Mississippi since January last ; was President of the Medical Commission in the State ; left the Confederacy on the 16th July last. I am a native of the State of Kentucky ; have resided in Natchez since March 1846, and have been connected with the army since the difficulties commenced. I am intimately acquainted with Jefferson Davis, the President of the Confederate States ; I have corresponded with him and know his handwriting. I also know the seal of the Confederate States. The seal and flag of the Confederate States were changed in May last. I know Mr. Benjamin, late Secretary of State for the Confederacy, and know his handwriting. In October 1862 he was Secretary of State. The Provisional Government was established in April 1861. Mr. Benjamin was Secretary of War for a short period—about six weeks I think—in 1863 ; he is now Attorney-General. I have an intimate knowledge of Jefferson Davis's handwriting, and believe that the writing (on a document furnished him by Mr. Gray) is Mr. Davis's writing. I am not so expert but that my own writing might be forged upon me. I am not so certain about Mr. Benjamin's, but I think that the signature here is that gentleman's writing. The seal on the document is that of the Provisional Government. The seat of Government was removed from Montgomery to Richmond. A war now exists between the Northern and Southern States. There is an exchange of prisoners between them. They treat each other generally

as belligerents. I arrived in the city this morning; came from Fredericton; ran the blockade and came to Montreal, and from thence here. My family reside in Louisville, Kentucky. I am now on my way home. The Confederate Government grants letters of marque; did so in 1862. Charleston is in the State of South Carolina in the Confederate States, and likely to remain there. (The letter of marque to Captain Parker, of the ship "Retribution," was then read.) In 1862, the States of Texas, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, composed the Confederate States, making thirteen altogether, and each had representatives in the Confederate Congress.

Alonzo G. Coleman being sworn, testified:—

I am a resident of the Confederate States, was born and brought up there, and a native of Alabama. My father had large estates in that State before the war commenced. I have been engaged as private in the army of that State since May 1861. There are a great many other gentlemen of rank acting as privates.

Mr. Gray asked the question if officers appointed to a particular duty have the authority to appoint others under them to that post, and to delegate that authority of carrying out their duty or to aid in carrying it out?

Mr. Wetmore objected to this as being inadmissible as evidence in the present case.

Mr. Gray contended that the laws of any country are respected and recognized by other nations. But the counsel for the prosecution argued that the witness, in order to answer the question, must be acquainted with the law; and even then he doubted if it could be taken as evidence. He did not want to know what the practice was, but what the law in this case.

The witness stated that when an officer has not a sufficient number of subordinate officers, he has appointed even privates to act as Lieutenants, and he had himself acted as Lieutenant commanding an outpost. He afterwards stated that they had the authority to do so according to the practice of the service of the Confederacy.

It being now 1 o'clock, the magistrate adjourned the case until after dinner.

Inclosure 2 in No. 24.

Mr. Gray to Lieutenant-Governor Gordon.

May it please your Excellency,

St. John's, January 14, 1864.

IN the communication from Captain Moody of the 2nd instant, by your Excellency's commands, in answer to my application for copies of the requisition and documents laid before your Excellency by the United States' Consul, upon which your warrant to arrest certain parties engaged in the taking of the "Chesapeake" was based, he stated your Excellency would consult the Law Officers of the Crown, and give me a reply with the least possible delay.

The preliminary investigation on behalf of the American Government having closed, we shall be expected to-morrow to disclose to the police magistrate the grounds on which the application of that Government is resisted on behalf of the prisoners. Towards that purpose, Mr. Weldon and myself both consider the papers laid before your Excellency, copies of which have been requested by me, as of the utmost importance, and we are so clear as to the right of the prisoners to that information, based upon the highest judicial decisions in the Court of the United States, arising out of this very Treaty, that we would feel we were not discharging our duty were we not to take all those steps which the law will permit to obtain them.

Such papers can in no respect be confidential. They are the legal initiatory steps which are necessary to clothe the tribunals of this country with the power of action. A right to test the jurisdiction before which a prisoner is arraigned in a case so exceptional as the present is undoubted. And in case of a commitment for surrender by the examining magistrate, and a subsequent inquiry into that commitment by *habeas corpus*, these preliminary steps are scrutinized by the Judge and pronounced sufficient or insufficient, as to him may seem right.

In a matter, therefore, which involves not only the liberty but perhaps the lives of the three prisoners, we are sure your Excellency would Condemn their counsel if they were to permit themselves to be restrained by any false delicacy from omitting to get before the examining magistrate the documents they think essential to their defence.

We believe that the Court has power to issue a subpoena to your Excellency to bring those documents before it; and with the highest respect for your Excellency personally, and the exalted position you fill, we must ask the Court for that subpoena unless they are furnished.

We do not apprehend that the Counsel for the United States' Government would require your Excellency to be personally present, and we should be content with copies, if the Court will admit them. I address your Excellency at this time because, not having received the reply referred to by Captain Moody, and being compelled to act, we must take those steps which the prisoners' rights demand. We have also to request that your Excellency will produce or furnish the original commission constituting the Court for the trial of piracy and murder and other offences committed on the high seas, dated at Westminster, 11th April, 1829. A copy of this I got from Judge Parker, but the Magistrate may require the original.

I have, &c.
(Signed) J. HAMILTON GRAY.

Inclosure 3 in No. 24.

Mr. Tilley to Mr. Gray.

Sir,

Frederickton, January 21, 1864.

I AM directed by his Excellency the Lieutenant-Governor to acknowledge the receipt of your letter of the 14th instant, addressed to his Excellency.

As his Excellency had, before the receipt of this letter, determined upon the course which he would pursue with respect to the matter of which it treats, and has already acted on that determination, he considers it unnecessary at present to discuss the questions raised by you when in ignorance of his Excellency's decision.

I have, &c.
(Signed) S. L. TILLEY.

No. 25.

Lieutenant-Governor Gordon to the Duke of Newcastle.—(Received March 1, 1864.)

My Lord Duke,

Frederickton, New Brunswick, February 15, 1864.

I HAVE the honour to inclose, for your Grace's information, an account of the proceedings which have taken place before the Police Magistrate at St. John, since the date of my last despatch, connected with the seizure of the steamer "Chesapeake."

Your Grace will perceive that this protracted examination is not even yet concluded.

I have, &c.
(Signed) ARTHUR H. GORDON.

Inclosure in No. 25.

Newspaper Extracts.

St. John's, New Brunswick, Saturday, January 31, 1864.

Examination of the Confederates.

OWING to the presence at the Police Court of several gentlemen belonging to the Confederate States who were expected to give evidence for the defence in the "Chesapeake" case, the Court on Saturday was crowded to excess with a most respectable audience, and the greatest interest was manifested in the proceedings. The first witness examined was Dr. Luke P. Blackburn, of Natchez, State of Mississippi, a person whose bearing bespoke the true gentleman. The Doctor had filled the office of Medical Director of Mississippi, and was intimately acquainted with President Davis and his handwriting, and with the seal of the Southern Confederacy. He identified the signatures and seal on Captain Parker's commission, placed in his hands by Mr. Gray. He also testified to the Confederacy issuing letters of marque in 1862. The next witness was Mr. Alonzo G. Coleman, a native of Alabama, whose father owned plantations in that State previous to the war, but the son (the witness) nevertheless took his place as a private in the ranks. In answer to Mr. Gray he said it was a recognized practice of the Confederate service for officers appointed to a certain duty to delegate their authority to others, even to privates, and that such acts were recognized by their commanding officers of all grades and by the

enemy. The persons thus delegated would, if captured by the Federals, be treated as prisoners of war. Captain Thomas Herbert Davis was the third witness from the Confederacy. He had served under Generals Beauregard, Joseph Johnston, and Lee. His last corps General was Longstreet. He had entered Fort Moultrie as a volunteer when the "Star of the West" attempted to succour Fort Sumter at the opening of hostilities, and had fought his way up to a Captaincy, which position he held when wounded and captured at Gettysburg by the Federals. He had been confined with other Confederates at Johnson's Island, from which he escaped on New Year's night, walking some 120 miles to Canada. He also testified to the practice among officers of delegating authority to their subordinates to perform certain duties, and said he had exercised such authority himself. Mr. Ephraim Tom Osburn, a young man of probably 27 years, of Kentucky, a non-commissioned officer under the celebrated General John H. Morgan, and who had also escaped from a Federal prison, Camp Douglass, in December, corroborated the testimony of previous witnesses respecting the delegation of authority. All of these Southerners gave their evidence with marked precision and in the frankest manner, furnishing a remarkable contrast in style and manners to some of the witnesses for the prosecution.

A fourth witness was Mr. Eben Locke, brother of Vernon G. Locke, better known as "Captain John Parker," who ordered the seizure of the "Chesapeake." He is a native of Shelburne, Nova Scotia, but now resides to the eastward of Halifax. He saw his brother in Nassau in May last, in command of the Confederate privateer "Retribution," and his brother there showed him his commission. He saw him again at Sambro, after the recapture of the "Chesapeake," and took him up to Halifax where he again was shown the commission by his brother. The witness identified the commission produced by Mr. Gray as the one he had seen and handled and examined at Nassau and Halifax. He remembered "the writing on the back" distinctly—an endorsement, we believe, from one Power to Locke or Parker. The witness said he believed his brother changed his name when he took command of the "Retribution," he supposed for the purpose of deceiving the enemy.

Mr. Gray tendered in evidence a copy of a commission sent out to this province by Lord Bathurst for establishing a Court for the trial of cases of piracy, and also the "Royal Gazette" containing a copy of the Queen's Neutrality Proclamation of May 18th, 1863, in which the Confederate States are recognized as belligerents.

Yesterday the Police Court was again crowded with spectators who expected to hear the testimony of another "distinguished Southerner" whom Mr. Gray was to have on hand. But the gentleman did not make his appearance, and the Court adjourned until Saturday, with the understanding that a further adjournment would then be granted until Wednesday next. In the meantime the leading Counsel on both sides have Court business which takes them to Fredericton for a week or more.

Wednesday, February 10, 1864.

Examination of Confederates.

In the Police Court yesterday morning the business was confined to proving the authenticity of certain papers under whose authority the captors of the "Chesapeake" profess to have acted in making the seizure. The first of these was Parker's order to Braine to take the vessel; the second, Parker's order to Collins making him second Lieutenant in the Confederate service; and the third, the order of transfer of the Confederate States' privateer "Retribution" from Captain Power, her former Commander, to the command of Captain Parker. As respects the two first, Captain Driscoll being sworn, deposed that he knew Parker's handwriting, and had once seen him write, and that the signatures appended to the documents in question were his, to the best of his knowledge and belief. Mr. Watson, clerk to W. and R. Wright, was examined. The register, or certificate of transfer, of the Confederate schooner "Kate Hale" to British ownership, drawn in the spring of 1862, to which the name of W. F. Colcock, Collector of the port of Charleston, South Carolina, was appended as a witness, was produced, in order to compare that signature with a similar one attached to the order of transfer of the "Retribution" from Power to Parker. Witness believed the former to be genuine, inasmuch as the certificate of registry was an official document, received and recognized as such by the Custom-house officers at this port; and although he could not swear to the handwriting of Collector Colcock, the two signatures were obviously written by the same person, and to the best of his belief were Colcock's. Counsel for prosecution demurred at accepting this testimony, but it was finally received by the presiding Magistrate.

The Court adjourned to Monday next, with the understanding that the lawyers would

then commence their argument on the case. Mr. Weldon thought another witness for the defence might be on hand by that time. If this witness arrive his evidence will be received.

No. 26.

Major-General Doyle to the Duke of Newcastle.—(Received March 1, 1864.)

My Lord Duke, *Government House, Halifax, Nova Scotia, February 18, 1864.*

I HAVE the honour to transmit documents containing a particular account of the circumstances which have taken place since the "Chesapeake" was placed in the Vice-Admiralty Court. The affidavits indeed narrate those which occurred at the original taking of that vessel, and also afterwards to the period of her recapture by the United States' war-steamer "Ella and Annie."

I thought it best to send these papers to your Grace (which have been printed in a pamphlet form by order of the Judge), although I had previously sent slips from newspapers containing some of the information which will be found in these documents.

Your Grace will see that Judge Stewart had originally taken the same view of the law as applicable to this case, as is contained in the opinion of the Imperial Crown officers communicated to me in the inclosure to your despatch of the 23rd ultimo, marked "Nova Scotia, Confidential," which I received by the last mail, and which I deemed it right to show to the Judge and the Crown officers. Moreover, your Grace will observe by these documents and the Judge's remarks on directing the vessel and cargo to be restored, that Her Majesty's Advocate-General consented to the writ of restoration being awarded without bail, and your Grace will also perceive that the difficulty which the Imperial Law Officers of the Crown apprehended from placing the "Chesapeake" in the Vice-Admiralty Court has thus fortunately not arisen.

Trusting that the course I have pursued in this most embarrassing case may give me the honour of your Grace's approval, I have, &c.

(Signed) HASTINGS DOYLE.

Inclosure in No. 26.

Report of Proceedings in the Vice-Admiralty Court of Halifax, Nova Scotia, respecting the "Chesapeake."

Court of Vice-Admiralty.

Halifax, February 15, 1864.

Judgment was this day given by the Honourable Alex. Stewart, C.B., Judge of the Vice-Admiralty Court, in the cause, No. 211 of

The Queen *v.* The Steamer "Chesapeake" and Cargo.

The Advocate-General for the Crown.

J. W. Johnston, J. W. K. Johnston, and Isaac J. Wylde, Esquires, Advocates and Proctors, for portions of the cargo.

The Honourable S. L. Shannon, Advocate, and William Morse, Esquire, Proctor, for the vessel and the remainder of the cargo.

On the 6th January last the Advocate-General exhibited affidavits of himself made before the Registrar, and copies of three affidavits made before the Mayor of this city, by James Johnson, George Ames, and Mary V. Burgoyne, and also the affidavits of William Henry, Alexander Henry, John E. Holt, and Patrick Connors, sworn before the Registrar (copies of all which affidavits are attached to this Judgment). Upon these affidavits he moved for a warrant to arrest the steamer "Chesapeake" and cargo as having been piratically taken on the high seas from her lawful owners, which I granted. It was issued on the same day, made returnable on the 12th, executed on the 7th, and returned and filed in the Registry on the 9th of January. On this last day he moved for a commission of unlivory, which I granted, informing him that he might cause the cargo to be unladen or not as in his discretion he should think fit.

On the 18th he placed it in the hands of the Marshal, who, on the 29th, returned it executed (with inventory attached to it) unto the Registrar.

No appearance on behalf of the captors of the "Chesapeake" having been filed on the return day of the warrant of arrest, they were, on the petition of the Procurator-General, in the usual manner pronounced in default.

Claims by British owners for parts of the cargo have been allowed, viz., to Ross and Co. of Quebec, for 109 hogsheads of sugar ; to Belony and Lamotte, for 10 hogsheads of tobacco and a box of tinfoil ; to Charles Sampson for 1 cask of augers, and to James McInlay for 5 rolls of sole leather ; and Her Majesty's Advocate-General having consented thereto I decreed writs of restitution.

On the 10th February Mr. Morse, on behalf of the owners of the vessel, moved for the admission of their claim that the vessel be restored to them, and that the remainder of the cargo (which is unclaimed, and which is owned in part by British subjects and in part by American citizens) should be delivered to them in order that they might carry the same to the original port of destination, Portland, in the United States, and there deliver it to those who were entitled to receive it. The Advocate-General has examined this claim and consented that a writ of restitution thereof be granted without bail, to answer prospective or (what are in this Court designated) latent claims. And upon this claim I am now giving judgment. But it is obvious that thus granting this claim and the restoration prayed for will terminate this case. These claimants are citizens of the United States of America, the vessel is an American steamer, and I may mention that as an additional ground for the delivery of the unclaimed cargo to them they allege that they have a lien thereon for freight. It is the ordinary practice of this Court to direct property taken by pirates to be returned to the owners without delay, and, except where there is a strong necessity for requiring it, without bail for latent claims, taking care to protect the rights of the salvors and the droits of Admiralty. At this period it is incumbent on me to state that I adhere to the opinion I expressed on the 9th and repeated on the 12th of January. I do not at all controvert the legal principles suggested at the Bar as worthy of my consideration, but I do not perceive their applicability to the circumstances of the present case. But whether I be in error or not, whoever or whatever they are who seized the vessel, and whatever in their own or in their counsel's estimation their rights may be, they have not thought fit to vindicate them before this Court. They have, as I have just noticed, suffered judgment by default.

I have been much embarrassed in dealing with this case. To grant this application will be entirely within the rules applicable to it, for, on the facts sworn to, the taking was undoubtedly a piratical taking. But in its origin, in its position before the Court, in the mode of the recapture, in short, in all the concomitant circumstances, the case is very peculiar. I was, therefore, in the absence of decided cases, obliged to recur to and rely on for my guidance, those principles which lie at the basis of all law. And I do not think I shall be acting unbecomingly in referring for a few moments to those principles.

The right of self-defence is one of the fundamental attributes of an independent State, and the principles which regulate its conduct towards other States have their foundation in a higher philosophy than that which underlies the municipal or positive law. The latter implies a ruler to prescribe, and a subject to obey. An independent State recognizes no superior, acknowledges no authority paramount to its own. Underneath international law lies the *ultima ratio Regum*. Every independent State determines for itself, as exigencies arise, what shall be the penalty for infractions of the law which it prescribes. The Sovereign whose territorial rights are violated by the subjects or citizens of a friendly State is not bound to appeal for reparation to (what might be) the tardy justice to be conceded by that State. If those subjects or citizens are within its territory, it will inflict on them its own penalty, in its own mode. An independent State is not circumscribed by the limits which are essential to the administration of municipal law, since by it the agents of the community protect from the aggression of the wrong-doer the individuals of which it is composed. Then if one of the Queen's subjects had violated the Municipal law as flagrantly as the captors of the "Chesapeake" have outraged the international law, and such violation would have (as it unquestionably would) justly subjected the offending vessel to forfeiture, shall those who have violated the higher law be subjected to a less penalty ? Assuredly not.

Then as to the right disposal of the forfeited vessel. It were derogatory to the Royal dignity to add the proceeds of property which had belonged to the citizens of a friendly nation to the privy purse of the Queen, and it would as little become the honour of the British nation to make profit out of their misfortune.

What more appropriate mode of dealing with this vessel and cargo, then, than to restore them to their original owners ;—not as a favour to them, but as an act of justice to the offended dignity of the Crown ; not as recognizing any right of the Government of the United States to require such restoration, but as a fit punishment of the offenders, and a warning to others. The law which the Queen and the Parliament have prescribed to enforce the observance of her neutrality is to be found in Her Majesty's Proclamation, and in the statute under the authority of which it was issued. Is the offence which I have

suggested against the Municipal law, or can any offence be more serious than that by which the British nation might be drawn into the sad contest which has desolated and is still desolating one of the fairest portions of the earth?

By the affidavits on which I granted the warrant, it is certain that the "Chesapeake," if a prize at all, is an uncondemned prize. For a belligerent to bring an uncondemned prize into a neutral port, to avoid recapture, is an offence so grave against the neutral State that it *ipso facto* subjects that prize to forfeiture. For a neutral State to afford such protection would be an act justly offensive to the other belligerent State.

The "Chesapeake" was brought, not into one port only, but into several of the ports of this Province;—not openly, but covertly; not in her proper name, but in a false name. Still farther, they who thus invaded the Queen's territory surreptitiously landed and sold therein a considerable portion of her cargo, making no distinction between those parts of it which were owned by the subjects of Her Majesty, and those belonging to the citizens of the United States; and instead of vindicating the rights which it was asserted for them at the bar they possessed, they (after landing on the shores of this Province, and thus being under the protection of British law) have long since fled from and are still fugitives from it.

These are the facts on which I deemed it right to recommend at once that the vessel should not be unladen or removed from the custody of the Provincial Government, in order that she might be restored intact to her owners. I then thought,—I still think, that it would not consist with the dignity of Her Majesty, though the capture had been a lawful one, to hold valid a plea on behalf of these persons. The facts I have just mentioned must have been admitted, for they are in their nature incontrovertible.

This Court has no prize jurisdiction, no authority to adjudicate between the United States and the Confederate States, or the citizens of either of these States. Yet, if a claim to the vessel and cargo could have been sustained, all further jurisdiction on my part over them must have ceased, and they must have been further disposed of by competent authority, and it would have in that case been my duty to have examined into the question of prize. As the case at present stands, I am rightfully exercising jurisdiction; for the facts disclosed by the affidavits as to the actual taking of the vessel from the master and crew beyond all doubt constitute a piratical taking. The effect of upholding the plea of these captors might possibly be that, notwithstanding their gross misconduct, the vessel and cargo might be left to them. For, as his Honour the Administrator of the Provincial Government had directed the vessel and cargo to be brought into this Court for adjudication, he could hardly then have resumed possession for any purpose. Impressed, then, by these strong convictions, as such a condition is dispensed with by the Advocate-General, I will not myself volunteer to impose (as a condition precedent to the restoration of the property) that their owners shall give bail to answer prospective claims; for, if I am rightly informed, the amount to be required would be at the least 80,000 dollars, and to insist on such bail might be equivalent to a refusal to restore the property.

Unlading the vessel, and the incident expenses, have rendered their rateable adjustment a matter of great difficulty; a difficulty, to be sure, which might be overcome by my decreeing a particular appraisement and valuation of the vessel and cargo to be made by the Marshal, and a subsequent reference to the Registrar and merchants. After a careful consideration, however, of this part of the case, I think it not unjust to order that the costs and expenses (except only the costs of these claimants whose property is to be delivered to them here, which, as well as those of the Advocate-General appertaining thereto, they are to pay) be paid by the owners of the vessel, leaving to them to adjust and seek repayment thereof from the shippers, insurers, and other persons chargeable therewith. If this were an ordinary case of recapture from pirates, the prescribed salvage would have been one-eighth of the value of the property, and this, on the value of the vessel alone (which I am informed, is more than 60,000 dollars), would have been 7,000 dollars, and the owners of both vessel and cargo have been fortunate that they were not destroyed at sea, and so wholly lost to them. It is unnecessary to recur to the circumstances of the recapture. It suffices to remark that the taking was not an ordinary piratical capture. It is even possible not to have been a case of piracy at all. This Court would stultify itself were it to affect ignorance of what is patent to everybody, namely, that those who wrested the "Chesapeake" from the master and crew, are at the present moment in the adjoining Province of New Brunswick, asserting that they made the capture as citizens of and parties duly authorized by the Government of the Confederate States, and that they have produced documents and proofs thereof before Magistrates there duly invested with the right to determine the validity of their claim, so far at least as affects their alleged piratical character. I allow this claim, and will decree a writ of restitution when moved, to be given to the claimants upon payment of the costs and expenses, as I have before specified.

The Registrar will estimate as accurately as he can the amount which will certainly cover the whole costs and expenses, to be paid, as I have directed, by the vessel, and upon that amount being paid into the Bank of British North America, the Bank of deposits of this Court, he will issue the writ of restitution to the owners of the vessel. And he will, by orders on the said bank, pay to the several parties entitled to receive the same, such sums as he may have taxed and allowed, and the remainder, if any, he shall return to the said owners. In like manner he is to tax, and allow and cause to be paid by the claimants of that part of the cargo which has been, is, or is to be delivered here, all their costs, and the costs of the Advocate-General appertaining to their claims. The Registrar will cause this Judgment to be inserted in one of the City newspapers, and he will also cause to be printed in the same manner as the affidavits in this cause are printed, this Judgment, and also my remarks thereon of the 13th January and 10th instant, and attach copies thereof to this Judgment, and also copies of the said affidavits. And the Registrar will include in his bill the charge for the printing done and to be performed in this cause against the vessel, and pay the same to Alpin Grant, Esq., the Printer of this Court, out of the sum to be deposited as aforesaid in the Bank of British North America.

Court of Vice-Admiralty.

Halifax, January 13, 1864.

THIS Court met to-day for the consideration of this case. On taking his seat, the Judge directed the Registrar to cause the affidavits on which the warrant of arrest was granted, and as the case proceeded, any other material documents, to be printed by the Queen's Printer, for the use of the Court and for transmission to England. He also ordered that officer to ascertain if a competent shorthand writer could be procured, as he should require one on every important hearing; and (remarking that the fees allotted to the Judge by the fee-table were, in all cases, of very trifling amount), he desired the Registrar neither to receive nor charge any fees for him in this case.

His Lordship then said:—

“On ordinary occasions it is of little moment what mistakes are made by those who report the proceedings of a Court of Justice, but in the present it is incumbent on me, so far as I can, to prevent even a temporary misapprehension of the course I shall pursue. I have therefore reduced to writing what I endeavoured to express on Saturday last, merely observing that I did not then modify any doctrine I stated at the outset of my remarks, nor do I intend to do so now.

“It is not at all extraordinary that gentlemen unacquainted with the law and practice of a Court which are in many particulars peculiar to itself, and which during time of peace is very unfrequently called upon, to misapprehend both. But this case not only brings before me (incidentally to be sure, but still calls for) examination and application, the principles of international law, and has besides also excited great interest and attention in the United States of America. I am naturally desirous that what I do or say as a Judge in it should be accurately stated by the press. Now, in the first place, I have to remark, that it is in this Court open to the Judge in any stage of the proceedings, especially where the rights of the Crown are or may be involved in it, to indicate to the parties the proper course to be pursued, and upon the facts before him, if they cannot be gainsayed (and those on which I have formed my opinion cannot be gainsayed) to call their attention to the view of the law applicable thereto, which has occurred to him. It is his duty, therefore, sometimes to interfere *ex officio*, as did the most eminent of my predecessors, Sir Alexander Croke, in the case of the ‘Herkimer,’ in which he said: ‘It is quite in accordance with the constitution of the Court of Admiralty for the Judge to indicate *ex officio* to the parties any view which may seem to have an important bearing on their rights,’ adding, ‘such proceedings must necessarily be governed by the discretion of the Court.’

“Now the facts set forth in the affidavit on which I granted the warrant are, that the ‘Chesapeake’ and cargo were forcibly taken on the high seas from those who were conducting her from New York, in the United States of America, to her port of destination, Portland (she being a steamer carrying passengers, and a cargo owned by several shippers, some British and some citizens of the United States), by a number of persons who had gone on board as passengers at New York. That one of her crew was then slain by them. That those persons brought her into several of the ports of this Province, giving her a false name. That they landed and sold a considerable part of her cargo. That they entered and remained in Sambro Harbor, within a short distance from this port, and on the approach of a ship of war of the United States, left the vessel and fled to the shore, and

while there with fire-arms forcibly resisted process issued against them by lawful authorities here, signifying that on any attempt being made to arrest them they would use them; and, finally, that they are all now fugitives from justice. Unexplained, these circumstances certainly constitute a piratical taking, and such as required me to grant a warrant to arrest the vessel and cargo. Vague assertions and rumours to the effect that this taking of life and this capture were the acts of duly authorized belligerents, furnish no reply to such a case. Indeed, Mr. Ritchie suggested it as possible, and addressed me as *amicus curiæ* only. With reference to the principles he propounded, they lie on the very surface of international law; and if those persons are really entitled to the character asserted for them, we have a right to expect that they should be prompt to vindicate that character before a British Tribunal such as Her Majesty's Supreme Court, on whom they might, I am sure, rely for protection, if the law entitled them to protection.

"Now the jurisdiction of the Court of Vice-Admiralty over cases of piracy is exclusive, for the Crown has *jure coronæ* as droits of Admiralty the absolute right of goods belonging to pirates, and also to those found in their possession if not claimed by their owners and proof made of their title. Until such claim is established they must remain in the custody of this Court. At the end of a year, they are, if no claim is preferred, condemned to the Crown as droits of Admiralty. Moreover this Court is bound to see that salvors are properly rewarded. In the present case no such claim is preferred, or if preferred, it would not be listened to for a moment.

"It is not for me to deal with the gross outrage on the liberty of our fellow-subjects, and the contemptuous and coarse violation of Her Majesty's proclamation and her territorial rights, perpetrated by officers of the navy of the United States. We may rest assured that these are in safe in the hands of Earl Russell, a statesman who has ever been foremost in vindicating the rights of his countrymen in every part of the world. I do not doubt that his Lordship will promptly demand that ample reparation be made by the Government of the United States, and I confidently anticipate that that Government will as promptly disavow and apologize for the conduct of their officers, and make full reparation to the sufferers. I think, too, we have all reason to be gratified that our gracious Sovereign has been so fitly represented in the recent emergency by her Representative, General Doyle. With the courtesy natural to him, and the spirit and decision which his high office and duty as a soldier taught him, his prompt measures to obtain the release of our fellow-subjects so ignominiously treated, cannot but secure to him the gratitude of every Nova Scotian.

"From the first I thought it probable that the case would come before me, and therefore I, as carefully as I could, considered the principles which, if it should, must govern my proceedings. I knew, indeed, that though his Honour the Administrator of the Government might, as Representative of the Queen, possibly direct the vessel and cargo to be delivered at once to their respective owners, yet for him to do this without waiting for the instruction of Her Majesty's Government, I also knew would be assuming a very grave responsibility. Besides, this case is *primæ impressionis*, and in many of its aspects full of difficulties. *Prima facie*, the facts before his Honour, and, of course, submitted to his legal adviser, the Advocate-General, exhibited an undoubted case of piracy. But it was well to pause before presenting it to this Court as such, in order that all the circumstances should be fully ascertained. Moreover, the nature of the cargo shipped by British owners as well as citizens of the United States, rendered it extremely difficult for the local Government to aid his Honour, since they had no authority to administer an oath to the claimants, and no machinery to effectively ascertain their respective rights. What the Government could do, they did promptly and well, and by their vigilance and activity much of the goods clandestinely landed from the 'Chesapeake' have been saved for the owners.

"Looking, then, at the circumstances of this case, I (in the exercise of the discretion of which I have already spoken) thought it well, with a view to preventing further delay and saving the heavy expense attendant on this litigation, to suggest at the outset to the parties the course which the incontrovertible facts of the case has led me to adopt, viz., that the owners of the vessel and cargo should conjoin their claims, instead of presenting separate claims, and thereby render unnecessary the unlading the cargo, and enable the vessel at once to resume her original voyage. I had previously directed the Marshal not to take the rigging from or otherwise dismantle the vessel, but to wait on His Honour the Administrator of the Government and the authorities at the Dockyard and the Provincial Government, and ask them to permit the vessel and cargo, and that part of the cargo the possession of which had been obtained by the officers of the Provincial Government, to remain as at present until some further order should be made therein by this Court, and this was immediately conceded. I granted the decree of unlivery for which the Advocate-General moved, to be used at his discretion, and directed the respective claimants to confer

with each other, and to submit their proofs to him preparatory to their moving for the restoration of their property. On this occasion Mr. Wylde, the Proctor of one of them, signified his client's desire that his portion of the property should be delivered here. Appearances on behalf of the vessel and parts of the cargo have been filed (I take it for granted the proctors have filed their proxies, duly authenticated); but no appearance has been given for the alleged captors.

"In the course of his address, Mr. Ritchie suggested that but for fear of his being delivered upon the demand of the Government of the United States, under the Extradition Treaty, the principal person engaged in the capture would appear openly and make a claim. Captures lawfully made by a belligerent may, by subsequent misconduct of the captors, in respect to such captures, so divest themselves of their vested right as to take from them the aid of the Court of Admiralty. Now the consideration of such a claim as Mr. Ritchie suggests, though but an incident of the cause over which, in virtue of its constitution and power, it has and exercises original jurisdiction, calls on me to proceed upon the common law of the Admiralty, and the enlarged principles of international law which guide this Court, in contradistinction to those circumscribed technicalities and rules which obtain in other Courts. Yet, even in the Courts of Common Law and Equity, we have the maxims that 'a man must come into Court with clean hands;' 'that he who seeks must do equity,' and the like. A mere reference to the Admiralty Reports will show that such subsequent misconduct has the effect I have mentioned. More than sixty years ago, Sir Alexander Croke decided, not on a statutable provision, but on the common law of the Admiralty, in the case of 'La Reine des Anges,' that the right of the captor to a prize which had vested in him, was, by his subsequent conduct, in respect to the captured vessel, wholly divested, and he condemned her as forfeited to the Crown *jure coronæ*.

"Now the course of proceedings in this Court in this case, as prescribed under acts of the Imperial Parliament, will be this: The Proctor-General, on behalf of the Crown, will file a libel, setting forth therein as piratical acts all the circumstances I have detailed; and if any claim be put in either on behalf of the person to whom Mr. Ritchie referred, or of the Confederate States—assuming that the latter have such a corporate character as to give them a right as a nation to a *locus standi* in this Court (as to which I will say nothing more at present), and assuming further that the 'Chesapeake' was lawfully captured, then those circumstances must be all admitted by the plea of such a claimant.

"Now by Clause 3 of Section 12 of our Rules, it is prescribed to the Judge as his duty "to reject immediately all pleas which, if assumed to be true, will not justify him in pronouncing a decree for the party pleading such plea," for in this Court both parties are actors. The effect of my decreeing such a plea to be valid would be to deliver the vessel and property to the claimant. But am I, sitting as the Judge of a Court of Admiralty, and representing Her Majesty in it, to sustain the plea of men who have violated her proclamation of neutrality, offered an affront to her dignity;—of men who, claiming to be belligerents and not seeking the privileges which the courtesy of neutral Powers extend to belligerent vessels, but who have grossly and wilfully and stealthily violated her territory, and sold goods therein;—who have with revolvers and lawless force violently resisted on the same territory the officers seeking to execute the process of her magistrates; and who are at this moment fugitives? If, indeed, these people had entered this port claiming the privileges usually accorded to belligerent vessels by neutral States, then the principles referred to might perhaps have been invoked on their behalf before a tribunal authorized to consider them. But this Court of Vice-Admiralty has no such authority, except, as I have said, as incidental to the jurisdiction which it rightly exercises in cases of piracy. Among the principles I have referred to, is that one by which neutral property, not being contraband, found by belligerent captors on board of a prize, is restored to the neutral owners. But unless the view of the course I propose to pursue be correct, I have no authority to decree a delivery of that claimed in this case by British owners; still less, if possible, to order the vessel to be restored to her owners.

"I trust that a judicial career of now nearly eighteen years has enabled the Bar to believe that I am capable of altering my opinion, when Counsel shows that it is erroneous. I confess, as at present advised, I should feel it my duty to reject such a plea; and had the facts been capable of being controverted or materially modified on which my opinion is founded, I should have studiously refrained from expressing it at this early stage of the cause. But the rights of British owners are concerned, large expenses are being daily incurred, and I am desirous, as I have said, to diminish them, and to expedite those proceedings. The conduct pursued by the persons who seized the 'Chesapeake,' after the seizure—though it were a lawful seizure—has, as I think, by international law, rendered their prize subject to forfeiture to Her Majesty to be dealt with as to her may seem fit."

At the close of the proceedings his Lordship informed the Advocate-General that under the facts before him, unless they were altered by evidence, he would treat it as a case of piracy throughout.

Court of Vice-Admiralty.

Halifax, February 10, 1864.

ON taking his seat upon the Bench, his Lordship stated, that the appointment of a Printer, and of a Short-hand Reporter, to the Court, having been recently authorized, he had appointed Mr. A. Grant to the first named office, and Mr. John J. Bourinot to the latter; whereupon the Registrar of the Court presented to the respective parties the Commissions which his Lordship had been pleased to grant.

On granting the motions for writs of restitution of such parts of the cargo of the "Chesapeake" as were claimed and their claims allowed on Friday, the 5th of February, his Lordship remarked:—

"What I have said and done in this cause has been greatly misunderstood and misrepresented, and it is of much importance that this should, as far as possible, be prevented from again occurring. I have, therefore, thought it well to reduce to writing what I have to say in decreeing these writs as prayed. It has been thought, for example, that my proceedings will be in effect deciding in favour of the demands made by the Government of the United States upon the Governments of this and the adjoining province of New Brunswick, for the delivery, under the Extradition Treaty, of the captors of the 'Chesapeake' as pirates. But with questions or rights under that Treaty, this Court has no concern,—no authority to interfere, directly or indirectly. And the view I have taken of the case before me can and could in no wise affect that demand, even if it were invested with full authority to adjudicate upon it. I grant these writs, and I am prepared to decree the same writs in order to the restoration of the vessel and the remainder of the cargo to their original owners, upon due proof of their title to them and payment of the costs and expenses which have been incurred. Those which have now been preferred I will examine and pronounce thereon on Saturday next. It will be recollected that at the commencement of these proceedings I stated that in my view, assuming the captors of this vessel to be lawfully authorized belligerents, they had forfeited their rights; that I could not, therefore, entertain a plea on their behalf, and that the proper course to be pursued was to restore the vessel and cargo to their original owners. Subsequent research and reflection, and circumstances which have since occurred, have confirmed this view, and also enabled me to state that in my early announcement of it I rightly exercised the discretion which is constitutionally reposed in a Judge of a Court of Admiralty. Still, if these opinions be erroneous, they can be readily corrected. This Court (though it administer its functions in Halifax) is an Imperial Tribunal, acting by the authority of Acts of the Imperial Parliament, and guided by international and maritime as well as municipal law; and from its decrees an appeal lies to the highest appellate tribunal but one in the Empire. If, therefore, these captors have the rights which it has been suggested at the Bar belongs to them, the Confederate Government and its agents can have no difficulty in effectively vindicating them. The announcement of those views was received with but scant deference. They, especially the intimation that the 'Chesapeake' and her cargo should be forthwith restored to their owners, were promptly denounced as inconsistent with that common sense, the application of which, it was said, to legal problems, was all that was required for their solution. This reception of them troubled me but little, as I felt that no personal disrespect could be intended; but the conduct of a portion of the press in these Colonies has given me great concern. Free and fearless criticism of the proceedings of Courts of Justice, such (and such only) as one sees in the great leading organs of public opinion in England, is an essential corrective of these proceedings. But the circumstances of this case, it is well known, have excited the most angry feelings throughout the United States, and the epithets and strictures, and the unworthy motives and conduct imputed to this Court, and to myself as Judge of it, are as unpatriotic as they are un-English, for they can have no other tendency than to exasperate these feelings, and justify alike the Confederates and the Federals in treating with contempt any decree which it may pronounce."

Motions were then made by the several Counsel in reference to the vessel and cargo, after which his Lordship stated that on Monday next he would give Judgment, which would be in the nature of a final decree in the case. The Court then adjourned till Monday next at 11 o'clock.

Province of Nova Scotia

In the Vice-Admiralty Court of Halifax.

APPEARED personally, James William Johnston, of Halifax, in the said Province, Barrister-at-Law, Advocate and Procurator-General, and being duly sworn to depose the truth, did make oath and say:—

That a steam-ship called the “Chesapeake,” was lately brought into the harbour of Halifax, and surrendered to the Provincial authorities by A. G. Clary, Esq., as Commander in the United States’ Navy, in command of the United States’ war-steamer “Dacotah,” who represented that the said steamer “Chesapeake” had been taken possession of in the harbour of Sambro, in this Province, by the United States’ gun-boat “Ella and Annie.”

That application was made by the Acting United States’ Consul to his Honour the Administrator of the Government, for a warrant under the Extradition Treaty between Great Britain and the United States, and the Act of Parliament made for giving effect to the Treaty to authorize proceedings for the extradition of certain persons charged with an act of piracy in seizing the said steamer “Chesapeake” on the high seas, and the killing of a man belonging to her; and afterwards a warrant was issued by the Mayor of the City of Halifax, for the arrest of these three persons or some of them, on certain affidavits, of which copies marked A, B, C, are hereto annexed, as appears by reference to the proceedings in that behalf had before the Mayor. That the signature and addition to the jurat of the said three affidavits, “P. C. Hill, Mayor and J. P.,” are of the proper handwriting of Philip Carteret Hill, the Mayor of the said city, and Justice of the Peace within the same, with which this deponent is well acquainted.

That the said affidavits were made and the last-mentioned warrant issued thereon, on a charge alleged of piracy and murder on board the said steamer on the high seas, and her capture from the possession of the master under whose control she was sailing, for the purpose of procuring the arrest of the parties accused under the said Treaty and Act of Parliament, with a view to their Extradition. And the said affidavits, being the foundation for the said warrant, cannot be procured to annex hereto, but remain with the said Mayor in the proceedings had or which may be had before him thereon, and the deponent saith that he has carefully collated and compared the paper writings hereto annexed, marked A, B, and C, with the said original affidavits, and that the said paper writings respectively are true and correct copies of the said original affidavits.

And further, the deponent saith, that from reports received from, and investigations made by officers of the revenue, under the authority and direction of the Provincial Government, it has been ascertained that the said steamer “Chesapeake” after her capture was brought to Nova Scotia by her captors, and was taken into the ports of Shelburne and La Have, where quantities of her cargo laden at New York were landed, a portion at La Have, under permit of a custom-house officer, acting without due consideration or authority, and the remainder secretly, and without the pretence of authority, and in violation of the revenue laws of this Province. That of the former, property of considerable value has been arrested in Halifax, and is now in charge of the Provincial Government. The two officers of the Provincial Customs were sent from Halifax to discover and secure as much of the cargo of the “Chesapeake” as possible, by whom a small portion was recovered, which is also under the charge of provincial authorities. That a considerable portion of the cargo, it is understood, remains on board.

And the deponent saith that the said steam-ship “Chesapeake” and portions of her cargo are now held by the provincial authorities, subject to all such rights and responsibilities as legally attach thereto, and to such judicial decision thereon as may be lawfully made in the premises.

(Signed) J. W. JOHNSTON.

Sworn before me, this sixth day of January, A.D. 1864.

(Signed) JAMES R. SMITH, Registrar of the Vice-Admiralty Court
at Halifax.

(A.)

Halifax.

THE deposition of James Johnston:—

I was chief engineer on board the steam-ship “Chesapeake,” bound from New York to Portland. There were twenty passengers on board. At half-past 1 o’clock on the morning of the 7th December, being off Cape Cod, had just gone off watch, I was waked up by report of pistols and some person screaming; I went on deck, found the first

assistant-engineer dead. I raised him up and asked what was the matter; got no reply, and went below, where I was shot in the chin by a passenger named Brooks; I heard Brooks tell a man when we were in La Have river, that he had fired five or six shots and had killed the first assistant-engineer. After I had got the shot in the chin, I went across the engine-room and found the mate there. I asked him what was going on; he told me that he was shot in two places; I saw the wounds afterwards. Mr. Braine, commonly called J. C. Braine, Lieutenant Parr, David Collins, — Brooks, Isaac Tredwell, two brothers by the name of Moore, two brothers by the name of Cox, — Kenny, George Wade, George Sayers, — Seeley, William Harris, took charge of the ship, and put the captain in irons, and told us we were all prisoners to the Confederate flag, and hoisted the Confederate flag in Shelburne. They compelled me to stay with them, being the engineer. Part of the cargo was sold in different ports on the shore. Never saw any commission to Braine, or uniform on any of the men. The persons above-named wore pistols, and guarded me while on my watch; they all were concerned in the capture of the ship.

(Signed) JAMES JOHNSTON.

Sworn to at Halifax this 18th day of December, A.D. 1863.

Before me,

(Signed) P. C. HILL, *Mayor and Justice of the Peace.*

(B.)

AND this deponent, George G. Ames, being duly sworn, saith:—I belong to Maine. I was cabin boy on board the steamer "Chesapeake." She started from New York for Portland, at 3 o'clock on Saturday afternoon. On the following Monday, about half-past 1 o'clock, I was sleeping in the back part of the ship on a lounge with the cook, and was awoken by a scuffling on deck. I asked the cook what the trouble was; he said they were taking in sail; next I heard the report of pistols on deck, and groans. I rushed to the companion, and was told to surrender to the Southern Confederacy, by the men who guarded it. I then went back behind the companion way; the guard told me if I would be peaceful I should be landed with the passengers and crew, and treated well. Soon after, Lieutenant Parr came down; I asked him what the matter was; he said we were prisoners to the Confederate States. I asked him who was killed; he told me the second engineer was dead and overboard. None of the persons were in uniform. We ran down to Grand Manan, remained there about four hours. Braine ordered the boat down, and went ashore; came on board shortly after and ordered the ship under weigh about 5 o'clock in the afternoon. About ten miles from St. John we were put on board the pilot-boat and taken to St. John. I could identify the whole of them, but did not know their names; they compelled three firemen and two engineers to remain on board when the rest of the passengers and crew were put on board the pilot-boat.

(Signed) GEORGE G. AMES.

Sworn to at Halifax, this 18th day of December, A.D. 1863.

Before me,

(Signed) P. C. HILL, *Mayor and Justice of the Peace.*

(C.)

AND this deponent, Mary V. Burgoyne, of Jersey city, in the State of New Jersey, on her oath saith as follows:—I was stewardess on board the steamer "Chesapeake." There were twenty passengers on board, all men. On Monday morning, December 7, at half-past 1 o'clock, I heard some person come into the cabin. I looked out, saw the mate, Charles Johnston, going into the pantry; while he was there I heard the noise of a pistol in the engine-room; saw the state-room from the pantry to the engine-room. I shut my door, and afterwards heard a great number of pistol shots; some one knocked at my door—it was the cook, he asked if I was frightened; I said no. I asked if all hands were killed; he said no, but that we were prisoners to the Confederates, and while we behaved well nothing would happen to us. About 2 o'clock, Captain Willet, the master of the "Chesapeake," came to my room and knocked; he was in irons. He told me not to be frightened, that he had begged them to let me be; the chief engineer came next and told me the same thing. Parr, one of the leaders of the rebels, came with him, and also told me so, that he would land us at the first place he came to. Next day at 5 o'clock we were sent on shore in a

pilot-boat to St. John, except the chief and third engineers, and three firemen, who were kept on board. Four of the passengers were put on board the pilot-boat, and the remainder sixteen, stayed on board the "Chesapeake;" their names were Henry C. Braine, otherwise J. C. Braine, Henry A. Parr, George Brooks, George Sayers, otherwise George Robinson, George Moore, Robert Carr, Robert Cox, Gilbert Cox, James Kinney, James Wilson, otherwise George Wade, Robert Moore, — Collins, — Seely, William Harris, and — Osburne, who piloted the ship from Cape Cod to Grand Manan. These were the sixteen that remained on board when we left; they were all concerned in the capture of the steamer. None of them wore uniforms, and I saw no flag at any time; they were all armed; three of a guard in the cabin at night, and one in daytime.

(Signed) MARY V. BURGOYNE.

Sworn to at Halifax, this 18th day of December, A.D. 1863.

Before me,

(Signed) P. C. HILL, *Mayor and Justice of the Peace.*

Province of Nova Scotia.

In the Vice-Admiralty Court of Halifax.

APPEARED personally, William Henry, of Halifax, in the County of Halifax, and Province of Nova Scotia, engineer, and Alexander Henry, of Halifax, in the said County and Province, engineer, and each of them being duly sworn to depose the truth, did each, for himself severally, make oath and say:—That they are brothers, natives of that part of Great Britain called Scotland, and natural-born subjects of the Kingdom of Great Britain, and each for himself says that he has never been naturalized in or come under the allegiance of the United States of America, or any other foreign kingdom. That they left Scotland together about eleven years ago, and went to the United States, but they have been principally in the British North American provinces, where they have worked at their business of engineers, on shore or on board of steamers, and have lately resided at Halifax, in Nova Scotia. That on Wednesday, the 16th day of December last, they were requested by a person with whom they were unacquainted, to engage on board a steamer represented to be then in Sambro Harbour, about sixteen miles from Halifax, as engineers, and being out of employment, these deponents entertained the proposal so far as to settle on the amount of their wages, and agree to visit and inspect the vessel, upon the understanding that if satisfied with her they would enter into written articles there, and if not satisfied would return to Halifax.

That upon this understanding, these deponents left Halifax on board the schooner "Investigator," laden with coals for the said steamer, about 11 o'clock on that Wednesday night, and reached Sambro about half-past 3 o'clock on the next morning, being Thursday, the 17th day of December last, when the schooner went alongside a steamer which was lying at anchor a little inside of the mouth of Mud Creek, within Sambro Harbour, and within the County of Halifax, in the Province of Nova Scotia. That these deponents understood the said steamer to be the vessel called the "Chesapeake," that had been captured a short time before off the American coast. That a person was on board who was called the captain, and appeared to be in charge of the steamer, and to have command of his crew, and these deponents heard him give instructions for putting the coal from the schooner into the steamer. That the deponents soon after turned into berths in a state-room in the steamer's cabin, and went to sleep; and the deponent William Henry says, that between 7 and 8 o'clock next morning, on the same 17th day of December, he was aroused by a person calling and saying that a gun-boat was approaching, whereon the said deponent William Henry went on deck, and perceived a steamer about three miles off, and within Sambro Light-house Island, approaching in a direct course towards the "Chesapeake"; that the said deponent found great confusion to prevail on the deck of the "Chesapeake," where the men were employed in clearing a boat and other preparations for leaving the vessel, with several shore boats alongside. The captain in command of the "Chesapeake" was on deck, and ordered the said deponent on his coming up to get up steam, who, in obedience to that command, went below into the fire-room, and then shut the furnace doors, the fires being on but damped, and after being below about five minutes the said deponent came on deck, when he observed the approaching steamer coming up the harbour, still steering toward and then within about two miles from the "Chesapeake." That on coming on deck on this second occasion, the said deponent found that the captain and all the crew had left the "Chesapeake," and were then in boats proceeding toward the shore, where they all landed and disappeared, and the schooner "Investigator" had

hauled off and come to an anchor about 400 or 500 yards from the "Chesapeake." That the steamer "Chesapeake" all this time was at anchor about 200 or 300 yards from the shore, with a small cove a-head, further into which the schooner "Investigator" moved and anchored; as aforesaid; the schooner, when so at anchor, being about 300 or 400 yards from the shore. That after the said deponent came on deck, this second time, and after the captain and crew of the "Chesapeake" had left her, several persons remained on board, who represented themselves to have belonged to the crew of the "Chesapeake" before and at her capture; one of whom, when the gun-boat had neared the "Chesapeake" to within a short distance, and was still approaching her, and when the captain and crew had left the vessel and made their escape as aforesaid, hoisted the United States' flag, the Union down, and after it had floated for two or three minutes in that manner hauled it down and re-hoisted it with the Union up. That the approaching steamer, which proved to be the United States' gun-boat "Ella and Annie," came alongside the "Chesapeake," and a number of armed men came from the gun-boat on board the "Chesapeake," and took possession of her. And this deponent, the said Alexander Henry, says that while he was still in his berth an officer with a drawn sword came into the cabin where he lay, and ordered the deponent to rise and come on deck, which he did. And these deponents say, that while on the deck of the "Chesapeake," being questioned by a person they understood to be the captain of the "Ella and Annie," they informed him they were British subjects, resident in Halifax, and had only come on board the "Chesapeake" early that morning for the purpose of engaging as engineers, should they approve the condition of the vessel and her machinery; and the engineer who had belonged to the "Chesapeake" before her capture informed the said captain of the "Ella and Annie" that these deponents had only come on board that morning, and were not connected with those who had been concerned in the capture of the "Chesapeake." Nevertheless, these deponents were ordered by an officer of the said gun-boat to go on board of her, which they were compelled to do, and where they were immediately heavily ironed, both on the wrists and ancles; and soon afterwards a man was put with them, and also placed in irons, who they understood from persons on board the gun-boat had been taken from on board the schooner "Investigator," in the said harbour.

That while the said two steamers lay together in Mud Creek, as aforesaid, coals were shipped from on board the gun-boat into the "Chesapeake;" and in three or four hours after the gun-boat had taken possession of the "Chesapeake" the two steamers were got under weigh, and these deponents were informed by some of the crew of the gun-boat that they were bound for Boston, and at a later period that the course had been changed for Halifax, by order of another United States' man-of-war they had fallen in with. That these deponents, together with the said other prisoner, who they understood was called Wade, were kept on board the said gun-boat "Ella and Annie" in close confinement, and heavily ironed on the arms and legs, for over fifty hours; and on Saturday, the 19th day of December last, they and the said Wade, all being handcuffed, were brought up and put into a boat under charge of an officer and part of the crew of the "Ella and Annie," and were taken to the Queen's Wharf, at Halifax, when by the said officer they were delivered to the Sheriff of the County of Halifax, by whose direction the said officer caused their handcuffs to be taken off, and the Sheriff thereupon declared them to be free. And these deponents say that their clothing, contained in a large trunk and canvass bag, was on board the schooner "Investigator" when the "Chesapeake" was taken possession of by the gun-boat. That they were informed by the said Wade that a number of trunks and other property had been taken by the men of the gun-boat from the schooner, and brought on board the gun-boat, among which, from the description he gave, were the clothes of these deponents. That these deponents applied to Mr. Gunnison, the United States' Acting Vice-Consul, for the restitution of their clothes, on Saturday, the 19th day of December last, who, in the presence of their counsel, John W. Ritchie, Esquire, promised they should be delivered to them, and stated that the "Ella and Annie" would not leave Halifax before Monday. That the said vessel left on the Saturday night, and on Monday, on applying to Mr. Gunnison for their clothes, he denied that he had promised to get them, and the deponents have lost their said clothes, to the value of 100 dollars.

(Signed)

WILLIAM HENRY.

ALEXANDER HENRY, his X mark.

Sworn before me (the same having been read over to the deponent), this fourth day of January, A. D. 1864.

(Signed)

JAMES R. SMITH, Registrar, Vice-Admiralty Court at Halifax.

Province of Nova Scotia.

In the Vice-Admiralty Court of Halifax.

APPEARED personally, John E. Holt, of Halifax, in the Province of Nova Scotia, master mariner, and being duly sworn to depose the truth, did make oath and say that he is a native of the Province of Nova Scotia, and a natural-born subject of Great Britain, and has never been naturalized or acknowledged allegiance to any other State. And he says that being the owner and master of the schooner "Investigator," of twenty-five tons burthen, he was engaged to take a load of coal to a steamer lying at Sambro; and on Wednesday the 16th day of December last, at about 11 o'clock, he left Halifax in the said schooner with a load of coal and reached Sambro at 3 o'clock on Thursday morning. That a steamer was then lying in the mouth or entrance of Mud Cove, a harbour inside of Sambro headlands, and about 200 or 300 yards from the shore, and in a situation where she was conspicuous to vessels passing into or out of the harbour of Halifax.

That the deponent placed his schooner alongside of the steamer, and commenced transshipping the coal as he had been directed to do at Halifax, being assisted by the crew of the steamer. That about 7 o'clock on the morning of the last-mentioned day, the deponent saw a steamer off Sambro steering westwardly, but which as soon as she had opened the harbour bore up north, and stood right in and toward the first-mentioned steamer and the deponent's schooner. That the crew of the steamer alongside of which the deponent's vessel was lying, and which the deponent understood to be the "Chesapeake," when it became apparent that the steamer outside was bearing toward them, made their escape to the shore, having put a number of chests, a quantity of loose clothing, and other articles on board the schooner, and the deponent hauled his schooner off and proceeded about 400 yards further into the harbour and came to anchor. That there remained on board the "Chesapeake" several men whom deponent understood had belonged to her original crew before her capture off the American coast, of which deponent had heard. That after the deponent had hauled off from the "Chesapeake" about a quarter of an hour one of the men on board hoisted the United States' flag upside down, the approaching steamer being about 400 yards distant from the "Chesapeake," and bearing towards her; in a few minutes the flag on board the "Chesapeake" was hauled down and hoisted with the Union up, by which time the approaching steamer, which proved to be the United States' gun-boat "Ella and Anna," was close to the "Chesapeake," and which vessel she immediately afterwards boarded.

That about an hour afterwards a boat with seven armed men came on board the deponent's schooner. That the officer in command having ordered his men to open the hatches the deponent demanded his authority, when the officer placed his hand upon his pistol and said, "This is my authority," and, at the same time, three of the men presented their pistols at the deponent. That some of the boarding party remained on deck with pistols in their hands, while others went below; they ransacked the schooner throughout, and took away a large number of trunks, bags, and loose clothes, and any articles they could find that they supposed belonged to the men who had been on board the "Chesapeake," including the chest and bag of two men named Henry, who had gone down in the schooner from Halifax. That they also made prisoner of and carried away a man whose name deponent afterwards understood was Wade, who came on board the schooner from the "Chesapeake" when the gun-boat was approaching. That this deponent remonstrated with the officer in command of the boat's crew against the outrages committed on board his vessel, who replied that deponent had better be quiet or he would make a prisoner of him and take him to Boston, where he, deponent, would make a good witness.

(Signed)

JOHN E. HOLT.

Sworn before me, this 4th day of January, A.D. 1864.

(Signed)

JAMES R. SMITH, Registrar, Vice-Admiralty Court at Halifax.

Province of Nova Scotia.

In the Vice-Admiralty Court of Halifax.

Halifax, ss.

APPEARED personally, Patrick Conners, of New York, in the United States of America, fireman, and being duly sworn to depose the truth, did make oath and say: That in the afternoon of Saturday, the 5th day of December last, he sailed in the capacity of fireman, on board the steam-ship "Chesapeake," from New York, bound to Portland,

in the State of Maine, in the United States, with passengers and freight on board. That the said steamer had been and was then employed as a regular packet, for the conveyance of freight and passengers between New York and Portland. That while on the said voyage, and off Cape Cod, at about 2 o'clock in the morning of Monday, the 7th day of December last, this deponent being on duty in the fire-room, four men armed with pistols rushed into the fire-room, and seized the deponent, and put him in irons, having first fired a pistol close to him. That the second engineer, named Shaffer, having come into the fire-room, and inquired the cause of the disturbance, one of the men fired a pistol at or near him, upon which the said Shaffer raised his hands to his face and ran out of the fire-room calling for the captain. That this deponent remained in the fire-room in irons for about one hour and a half, during which time three of the four said armed men continued to move between the fire-room and engine-room. That the fires having got low, the deponent was released from irons and ordered by the said party to attend to the fires, and one of them stood over him with a pistol to see that he did so, and from that time until the "Chesapeake" was brought from Sambro to Halifax, he the deponent, two other firemen, the assistant engineer and the chief engineer, belonging to the said vessel, when she left New York, were compelled to attend to the fires and engines under a guard of armed men. That from the time when the party of armed men seized the deponent, and put him in irons in the fire-room, as before mentioned, the said vessel continued under the control and direction of the said party, and those who acted with them from that time, until taken possession of at Sambro by the United States' gun-boat "Ella and Annie," on Thursday, the 17th day of December last.

That after the capture of the "Chesapeake," as before mentioned, a number of passengers who had left New York in her, her captain and all her crew, except the five persons above mentioned, were sent on shore at New Brunswick. That the deponent and the rest of the said five persons were desirous and demanded to leave the "Chesapeake" at the same time, but were forcibly detained on board by the persons in whose charge she then was, and that a person came on board about that time who assumed the command of the vessel, and of the party by whom she had been captured. That the said steamer "Chesapeake" was afterwards taken into Shelburne in Nova Scotia, where she remained over the night, and during that night a quantity of goods, part of her cargo from New York, were taken out of the vessel and carried on shore, as this deponent is fully assured from the movements he heard on board the vessel, and the conversation of the crew. That from Shelburne the steamer was taken into La Have, where she remained over two nights, and when also was taken out of her and carried on shore, a quantity of her cargo, as this deponent is perfectly assured, by the means aforesaid. That part of these goods were taken out while the vessel lay up the river of La Have, nearly abreast of a large church, and she afterwards dropped down the river and lay all night at or near the mouth of the river, and during that night a vessel came alongside, into which goods from the "Chesapeake" were put, and a vessel had also been alongside of her for the same purpose at Shelburne.

That while at Sambro, the deponent was informed by the chief engineer that he and the four other men, including this deponent, who had belonged to the "Chesapeake" when she left New York, were to be put on shore at Sambro, in consequence of two engineers having been engaged at Halifax, and two firemen, and in consequence this deponent and his said comrades prepared their chests for leaving the vessel; but before the arrangement could be carried into effect, the United States' gun-boat "Ella and Annie" came in sight, and when it was seen that she was bearing down towards the "Chesapeake," the crew of that vessel made their escape on shore, leaving on board the five men of her original crew, and two engineers who had come from Halifax. That after the officers and crew who had command and charge of the "Chesapeake" had left the vessel, and while the gun-boat was rapidly approaching the "Chesapeake," the chief engineer hoisted the United States' flag with the Union down, and when she had got nearly alongside, re-hoisted it with the Union up.

That the "Ella and Annie" put a crew and pilot on board the "Chesapeake," and the two vessels got under way and left Sambro together, on the said 17th day of December. That the deponent was aware that the "Ella and Annie," some time after she had been under way from Sambro, was spoken by another vessel, which he learnt to be the United States' man-of-war "Dacotah," but what passed he could not hear, and cannot say. And the deponent saith that when the said steamer "Chesapeake" was under weigh leaving Shelburne, the deponent, while passing from the fore-castle to the fire-room, saw the Confederate flag flying at the main peak.

(Signed)

PATRICK CONNERS.

Sworn before me, this 6th day of January, A.D. 1864.

(Signed)

JAMES R. SMITH, Registrar, Vice-Admiralty Court at Halifax.

No. 27.

The Duke of Newcastle to Major-General Doyle.

Sir,

Downing Street, March 12, 1864.

I HAVE the honour to acknowledge the receipt of your despatch of the 18th of February, transmitting papers by which it appears that the Judge of the Vice-Admiralty Court at Halifax has decreed the restoration of the "Chesapeake" and her cargo to the owners.

The affair being thus brought to a conclusion, I am happy to take the opportunity of conveying to you an entire approval of your proceedings throughout this difficult case. Your conduct is considered by Her Majesty's Government to have been altogether becoming and proper, and to have adequately vindicated the honour and dignity of Her Majesty's Crown, without neglecting anything which was due to the Government of the United States.

I have, &c.
(Signed) NEWCASTLE.

No. 28.

The Duke of Newcastle to Lieutenant-Governor Gordon.

Sir,

Downing Street, March 12, 1864.

I HAVE the honour to inform you that by papers which have reached me from Major-General Doyle, it appears that the Judge of the Vice-Admiralty Court at Halifax has decreed the restoration of the "Chesapeake" and her cargo to the owners.

I am happy to take this opportunity of acquainting you that the whole of the proceedings which you had occasion to adopt in connection with this difficult case have met with the entire approval of Her Majesty's Government.

I have, &c.
(Signed) NEWCASTLE.

No. 29.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, March 11, 1864.

I HAVE received and considered, in communication with the Law Officers of the Crown, the further correspondence respecting the case of the "Chesapeake" inclosed in your despatch of the 1st of February.

The observations which you make in that despatch on the tenour of Mr. Seward's note of the 18th of January, which forms one of its inclosures, appear to Her Majesty's Government to be well founded; but as the case would seem to be disposed of by the Judgment of the Colonial Court directing that the "Chesapeake" and her cargo should be restored to the owners, there is less necessity for dwelling on the erroneous views which M. Seward puts forward in his note.

Mr. Seward can hardly be ignorant that so far as the extradition of the men, whom he assumes to have been pirates, is concerned, it would have been improper, and was in fact impossible, for the Government of Nova Scotia to proceed otherwise than in the course pointed out by law; neither can Mr. Seward seriously intend to suggest that the Provincial Government, charged with the duty of vindicating Her Majesty's territorial rights, when those rights had been invaded in a manner for which the Government of the United States have found it necessary to apologize, could have adopted or ratified the unauthorized exercise of power over the persons found on board the "Chesapeake" by which the invasion of Her Majesty's rights was accompanied and aggravated.

I am, &c.
(Signed) RUSSELL.

No. 30.

Lord Lyons to Earl Russell.—(Received March 5.)

My Lord,

Washington, February 29, 1864.

I HAVE the honour to transmit to your Lordship a copy of a despatch addressed by Mr. Seward to the United States' Consul at Halifax, in which it is stated that this Government, while it adheres to the opinion that the delivery of the "Chesapeake" ought to have been made at once by executive authority, is nevertheless gratified with the just and friendly proceedings of the officer administering the Government of Nova Scotia, and appreciates the enlightened and impartial spirit by which the Vice-Admiralty Court has been guided in the case.

Mr. Seward gave me a copy of this despatch the day before yesterday, and authorized me to communicate it to your Lordship and to Major-General Doyle. I send a copy of it to the Major-General to-day.

I have also the honour to transmit to your Lordship a copy of a note in which, in obedience to the instructions contained in your Lordship's despatch of the 3rd instant, I have informed Mr. Seward that Her Majesty's Government accept the apology of the United States for the violation of Her Majesty's territory committed by the United States' officers in pursuit of the "Chesapeake."

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 30.

Mr. Seward to Mr. Jackson.

Sir,

Washington, February 24, 1864.

YOUR despatch of February 17 has been received. I learn from it that the Court of Vice-Admiralty has decreed that the "Chesapeake" and her cargo shall be delivered to her owner, on the condition of their payment of costs.

Under the President's directions I shall make this proceeding the subject of a communication to Her Majesty's Government. In the meantime I think it not improper to inform you that this Government, while it adheres to the opinion that the delivery of the "Chesapeake" ought to have been made promptly and unconditionally by executive authority, is nevertheless gratified with the just and friendly proceedings of his Excellency the Governor of Nova Scotia in the premises, and appreciates the enlightened and impartial spirit by which the Vice-Admiralty Court has been guided in a case attended with some embarrassment and much local excitement.

The Secretary of the Navy will be informed of your views in regard to the necessity for a convoy of the "Chesapeake."

I am, &c.
(Signed) W. H. SEWARD.

Inclosure 2 in No. 30.

Lord Lyons to Mr. Seward.

Sir,

Washington, February 29, 1864.

HER Majesty's Government have had under their consideration the notes which you did me the honour to address to me on the 18th of December last, and on the 9th of last month, respecting the case of the "Chesapeake."

The readiness on the part of the Government of the United States to make all proper and suitable reparations for the acts of its officers which was manifested by the first of these notes, has rendered it unnecessary for Her Majesty's Government to insist upon the question which it would otherwise have been their duty to discuss at once with the Government of the United States, namely, the wilful and flagrant violation of Her Majesty's territory by the officers of the United States' cruiser "Ella and Annie."

The Government of the United States having subsequently made by the second note a full apology for the violation of Her Majesty's territory, it only remains for me to state to you that Her Majesty's Government accept that apology in the same spirit in which it

has been offered, and are truly glad that the matter has been settled in a manner honourable to both parties, and calculated to improve the friendly relations which Her Majesty's Government are always anxious to maintain with the Government of the United States.

I have, &c.
(Signed) LYONS.

No. 31.

Lord Lyons to Earl Russell.—(Received March 17.)

My Lord,

Washington, March 4, 1864.

WITH reference to my despatch of the 29th ultimo, I have the honour to inclose a copy of a note from Mr. Seward acknowledging with satisfaction the receipt of the note dated the 29th ultimo, in which I informed him that Her Majesty's Government accepted the apology offered by the Government of the United States for the violation of British territory committed by its officers in the case of the "Chesapeake."

I have, &c.
(Signed) LYONS.

Inclosure in No. 31.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, March 2, 1864.

I HAVE the honour to acknowledge with satisfaction the receipt of your note of the 29th ultimo, in which, referring to my notes to you of the 18th of December last and of the 9th of January of this year, respecting the case of the "Chesapeake," you inform me that Her Majesty's Government, in view of the readiness evinced by the Government of the United States to make all proper and suitable reparation for the acts of its officers and of the apology made for the violation of Her Majesty's territory, accept that apology in the same spirit in which it has been offered.

I have, &c.
(Signed) W. H. SEWARD.

NORTH AMERICA.

No. 9. (1864.)

Papers relating to the Seizure of the United States
steamer "Chesapeake."

*Presented to the House of Lords by Command
of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

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NORTH AMERICA.

No. 10. (1864.)

DESPATCH

FROM

LORD LYONS

REFERRING TO THE

ALLEGED REPORT

OF THE

SECRETARY OF THE NAVY

OF THE

SO-STYLED CONFEDERATE STATES.

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address dated April 21, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

Despatch from Lord Lyons referring to the alleged
Report of the Secretary of the Navy of the
so-styled Confederate States.

*Presented to the House of Commons by Command
of Her Majesty, in pursuance of their Address
dated April 21, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

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NORTH AMERICA.

No. 11. (1864.)

RETURN

OF

CLAIMS OF BRITISH SUBJECTS

AGAINST THE

UNITED STATES' GOVERNMENT

FROM THE

COMMENCEMENT OF THE CIVIL WAR

TO THE

31ST OF MARCH, 1864.

*Presented to the House of Lords by Command of Her Majesty, in pursuance of their Address
dated February 16, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

RETURN to the First Paragraph of an Address of the House of Lords, dated February 16, 1864 ;

for—

“RETURN of Claims made by British Subjects upon the United States’ Government, sustained either in Person or Property since the Secession of the Southern States, specifying how, and the Grounds on which, such Claims have been disposed of: Also

“Correspondence or Extracts from Correspondence relative to the Capture of the ‘Saxon’ by the United States’ ship ‘Vanderbilt’: And also

“Copy of Instructions to the Colonial Authorities relative to the Detention of the ‘Tuscaloosa.’”

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
1. Messrs. E. Byrne and Co.	Claimants	1861 June 3	53	Vessel “ <i>Monmouth</i> ” when on a voyage to Charleston, with alternative destination to Savannah, stopped by United States’ cruizer “ <i>Niagara</i> ” and warned off the whole Southern coast on 12th of May, at which date the blockade is stated to have been incomplete	Compensation refused; but the United States’ Government have proposed to enter into a Convention to submit this and similar cases to a Mixed Commission. Consideration of this proposal deferred.
2. M. J. Wilson	Claimant	June 4	13	Claim on account of “ <i>Hilja</i> ,” prevented from entering Charleston on 12th May	Ditto.
3. Messrs. Gerard and Armstrong	Claimants	June 7	14	“ <i>Susan G. Owens</i> ” warned off Southern coast by United States’ ship “ <i>Niagara</i> ,” and endorsement made on the register	Informed, under advice of Law Officers, that the facts stated would not justify interference.
4. Messrs. J. L. Phipps and Co.	Lord Lyons	June 8	3	Part owners of cargo in “ <i>Winfred</i> ” of Virginia, captured off Cape Henry	Cargo condemned, but Messrs. Phipps’ property restored on appeal.
5. Messrs. Gilliat and Co.	Claimants	June 11	8	Tobacco seized on board “ <i>Hiawatha</i> ,” and “ <i>Crenshaw</i> ” captured for breach of blockade	Informed must apply to Prize Court.
6. W. H. Ross	Claimant	June 11	20	Injury to property by United States’ troops	Informed, under advice of Law Officers, that Her Majesty’s Government cannot interfere officially, but Lord Lyons would use his good offices.
7. Messrs. Miller and Mossman	Lord Lyons	June 13	67	Capture of “ <i>Hiawatha</i> ”	Condemned. Sentence confirmed on appeal. Representation addressed to United States’ Government on special circumstances of the case.
8. Messrs. Dalgett and Co.					
9. Messrs. Gilliat and Co.					
10. Messrs. Watkins and Leigh					
11. Messrs. Edwards and Parbury					
12. V. O’B. O’Connor	Claimant	June 24	30	1. Tobacco seized in “ <i>Hiawatha</i> ” 2. Tobacco lying at Richmond, which he was prevented from exporting by the blockade 3. “ <i>Queen of England</i> ” similarly detained at Richmond	1. Tobacco restored. 2. Informed, under advice of Law Officers, that Her Majesty’s Government could not interfere. 3. Ditto.
13. Not reported	Lord Lyons	July 1	1	Capture of “ <i>Tropic Wind</i> ”	Released by Prize Court.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
14. P. M. Quillan ..	Lord Lyons ..	1861 July 1	9	Imprisonment	Released without compensation.
15. Messrs. Phipps and Co.	Consul Lousada ..	July 22	3	Part owners of cargo of captured vessel " <i>Amy Warwick</i> "	Messrs. Phipps' share restored by Prize Court.
16. Rostrom, Dalton and Co.	Consul Archibald ..	July 23	2	Owners of cargo captured in American vessel " <i>Forest King</i> "	Cargo released by Prize Court.
17. H. Haynes ..	Claimant	July 24	5	Notice of blockade endorsed on register of " <i>Roscoe</i> " by United States' ship " <i>Powhattan</i> "	Refused to interfere, under advice of Law Officers.
18. Not reported ..	Lord Lyons ..	July 29	5	Capture of " <i>Herald</i> "	Condemned.
19. J. C. Fitzpatrick .	Ditto	Aug. 1	7	Imprisonment	Released without compensation.
20. R. Mure ..	Ditto	Aug. 16	5	Arrested when in charge of a bag of despatches from Consul Bunch	Lord Lyons did not interfere, as Mr. Mure had been naturalized as an American citizen. He was released on the 18th October. Correspondence laid before Parliament.
21. J. G. Robinson ..	Ditto	Aug. 17	5	Detention of his yacht " <i>Gipsy</i> ," of New Orleans, by blockading squadron	Vessel released after a few hours' detention on the crew making a declaration of neutrality.
22. C. Gravely .. 22A. D. Evans ..	Ditto	Aug. 19	9	Capture of " <i>Sarah Starr</i> " ..	Condemned as enemy's property. Refused to interfere, parties concerned being domiciled in Southern States.
23. J. Gray ..	Mr. Lindsay, M.P.	Aug. 28	27	Seizure and detention of the " <i>Perthshire</i> "	1,000 dollars voted by Congress as compensation.
24. J. D. Merrilees ..	Lord Lyons ..	Aug. 26	9	" <i>William Arthur</i> " seized at Portland as enemy's property	Vessel condemned. Refused to interfere, claimant having been domiciled in Southern States.
25. — Clement ..	Ditto	Aug. 26	1	" <i>Anna</i> " seized for alleged intention to violate coasting trade law	Result not reported.
26. H. A. McLeod ..	Ditto	Aug. 29	5	Capture of " <i>Prince Leopold</i> " ..	Condemned. Sentence confirmed on appeal.
27. H. Horton ..	Ditto	Aug. 29	14	Capture of " <i>Adelso</i> "	Condemned. Refused to interfere pending appeal.
28. W. Patrick ..	Ditto	Sept. 5	6	Imprisonment	Released on Lord Lyons' representation. As the United States' Government defended the necessity for such arrests, Lord Lyons was instructed not to prefer any claims at that time. Correspondence laid before Parliament.
29. J. C. Rahming ..	Ditto	Sept. 5	5	Ditto	Ditto.
30. Messrs. Laurie and Co.	Claimants ..	Sept. 16	6	Part owners of cargo of American vessel " <i>Crenshaw</i> "	Condemned. Sentence confirmed on appeal.
31. Messrs. Graveley and Co.	Lord Lyons ..	Sept. 23	11	Capture of " <i>Aigburth</i> " ..	Condemned. Sentence confirmed on appeal.
32. W. Simmes .. 33. R. Reval .. 34. W. Williams .. 35. J. Clifton ..	Ditto	Sept. 23	13	Seamen captured in " <i>H. Middleton</i> " and imprisoned in irons in Fort Lafayette	Compensation refused, and as it appeared that the " <i>H. Middleton</i> " was a Southern vessel Lord Lyons was directed not to repeat the claim.

Name.	By whom reported.	Date.	No of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
36. D. J. Walsh ..	Lord Lyons ..	1861 Sept. 23	2	Ill-treatment by police at Baltimore in consequence of his wearing a likeness of General Beauregard attached to his watch-chain	Case represented to United States' Government. Result not reported.
37. Messrs. Whitworth and Co.	Claimants ..	Sept. 26	27	"Boyne" warned off the whole Southern coast at a time when the blockade is stated not to have been completed	Compensation refused.
38. W. O'Keefe ..	Lord Lyons ..	Sept. 28	7	Arrest at Baltimore, and imprisonment	Released on Consul Bernal's representation.
39. T. Daily ..	Ditto ..	.. ..	..	Ditto	Released on Consul Bernal's representation. Right to British protection disputed.
40. — O'Connor ..	Ditto ..	.. ..	..	Ditto	Ditto.
41. D. Kelly ..	Ditto ..	.. ..	..	Ditto	Released.
42. P. Crohan ..	Ditto ..	.. ..	..	Ditto	Released. Right to British protection disputed. No claim made for compensation in any of these cases.
43. W. Folker ..	Consul Kortright ..	Sept. 20	2	Capture of " <i>Herald</i> " ..	Condemned.
44. J. Lequire ..	Lord Lyons ..	Oct. 3	4	Imprisonment on a charge of being on his way to join the Southern army; a uniform being found in his baggage.	Released after investigation of the case.
45. Messrs. L. E. and G. Piers	Colonial Office ..	Oct. 15	..	"Susan" warned off Hampton Roads by blockading squadron.	No case for interference, as it was not alleged that the blockade was ineffective.
46. J. Spinney ..	Consul Archibald ..	Oct. 1	3	Capture of " <i>Argonaut</i> " ..	Vessel and cargo released by Prize Court.
47. F. N. Ruggles ..					
48. J. Hoy ..	W. Cassell ..	Oct. 2	4	Imprisonment ..	Refused to interfere; not entitled to British protection, his father having been naturalized, and he himself having exercised the rights of citizenship.
49. W. B. Forwood ..	J. Forwood ..	Oct. 12	11	Ditto	No claim made on United States' Government, as he was released and did not apply for anything further.
50. N. K. Clements ..	Lord Lyons ..	Oct. 12	5	Capture of " <i>Revere</i> " ..	Condemned. Appeal pending.
51. Messrs. Gerard and Armstrong	Ditto ..	Oct. 17	33	" <i>Alliance</i> " and " <i>Gondar</i> " captured in the port of Beaufort, application to leave the port having been previously refused. Separate claim on account of " <i>Alliance</i> " having been warned off Charleston	Condemned. Sentence reversed on appeal. Further appeal of captors to the Supreme Court pending.
52. Not reported ..	Ditto ..	Oct. 21	3	" <i>Napier</i> " and " <i>Robert Bruce</i> " refused egress from the port of Wilmington by blockading squadron. Subsequently captured	Both vessels condemned.
53. A. Williamson ..	Ditto ..	Oct. 21	2	Imprisonment	Release promised. Result not reported.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
54. J. C. Stovin ..	Lord Lyons ..	1861 Oct. 26	15	Imprisonment. Loss of property.	Had taken an oath renouncing his allegiance as a British subject. Lord Lyons instructed to represent the case to the United States' Government. Result not reported.
55. J. Slaughenright. ..	Ditto ..	Nov. 7	6	Capture of " <i>Louisa Agnes</i> " ..	Condemned.
56. J. A. Moren ..					
57. R. Nickelson ..					
58. W. Gilchrist ..	Ditto ..	Nov. 9	5	Imprisonment ..	Indictment for conspiracy. Indictment dropped at Lord Lyons' request.
59. J. G. Shaver ..	Ditto ..	Nov. 14	43	Ditto ..	Released on parole. Compensation refused. Correspondence continuing.
60. G. Shannon ..	Ditto ..	Nov. 18	1	Ditto ..	Inquiry promised. Result not reported. No claim made.
61. R. G. Jordan ..	Ditto ..	Nov. 18	1	Ditto ..	Ditto.
62. W. W. Williams. ..	Ditto ..	Nov. 18	1	Ditto ..	Ditto.
63. M. Riley ..	Ditto ..	Nov. 18	1	Ditto ..	Result not reported. No claim made for compensation.
64. J. C. Brain ..	Ditto ..	Nov. 18	8	Ditto ..	Released.
65. E. Wilmot ..	Ditto ..	Nov. 18	2	Ditto ..	Released on bail.
66. J. F. Parr ..	Ditto ..	Nov. 18	1	Ditto ..	Did not interfere, as he had been naturalized.
67. F. Maury ..	Ditto ..	Nov. 18	7	Imprisonment. Money taken from him	Released. Refused to interfere further, under advice of Law Officers; Messrs. Maury having been concerned in carrying letters to and from the South.
68. R. Maury ..					
69. Ensign F. Brown .	Ditto ..	Nov. 18	5	Detention at New York ..	Compensation not applied for, the detention arising in consequence of the Regulations as to passports.
70. W. H. Aymer ..	Ditto ..	Nov. 22	1	Imprisonment ..	Released.
71. A. Smith ..	Ditto ..	Dec. 31	3	Captured in " <i>Adeline</i> ," and treated as prisoners of war. Compelled to sign a declaration not to repeat the offence of running the blockade	Conduct of Commander of United States' cruiser disapproved by United States' Government. Seamen set at liberty, and released from their declaration. Papers laid before Parliament.
72. J. Mooney ..					
73. J. H. Mc Slaney. .					
74. Not reported ..	Ditto ..	Dec. 31	2	Capture of " <i>Adeline</i> " ..	Condemned. Case not defended.
75. G. Campbell ..	Ditto ..	Dec. 31	5	Capture of " <i>James Campbell</i> " ..	Vessel and cargo released.
76. — Wetter ..	Ditto ..	Jan. 2	5	Imprisonment at Key West. Captured in " <i>Victoria</i> "	Released.
77. — Rennan ..					
78. — Talbot ..					
79. Not reported ..	Ditto ..	Jan. 2	3	Capture of " <i>Victoria</i> " ..	Condemned.
80. G. Campbell ..	Consul Archibald ..	Jan. 11	4	Capture of " <i>Jane Campbell</i> " ..	Released.
81. Not reported ..	Ditto ..	Jan. 11	3	Capture of " <i>E. H. Bernard</i> " ..	Condemned.
82. J. Roberts ..	Ditto ..	Jan. 11	4	Capture of " <i>W. H. Northrup</i> " ..	Ditto.
83. Mary Hutchinson. .	Ditto ..	Jan. 11	2	Capture of " <i>D. F. Keeling</i> " ..	Released by Prize Court.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
84. W. H. Aymer ..	Consul Archibald ..	1862 Jan. 11	2	Capture of " <i>J. H. Toone</i> " ..	Condemned. Sentence confirmed on appeal.
85. Ditto ..	Ditto ..	Jan. 11	2	Capture of " <i>Ezeldar</i> " ..	Ditto.
86. Messrs. Fernie and Son	Claimants ..	Jan. 16	6	Capture of " <i>Admiral</i> " ..	Referred to Prize Court. Condemned.
87. Captain Fisher ..	Colonial Office ..	Jan. 21	19	" <i>Telegraph</i> " captured and taken to Key West and then released	Compensation refused.
88. W. H. Fisher ..					
89. W. H. Fisher ..	Ditto ..	.. ..	..	Ill-treatment at the time of the seizure of the " <i>Telegraph</i> "	Ditto.
90. Messrs. Z. Pearson and Co.	Board of Trade ..	Jan. 22	27	Capture of " <i>Empress</i> " ..	Condemned. Decree reversed on appeal. Further appeal by captors to Supreme Court pending.
91. Messrs. Moon & Co.	.. ..	.. ..	..	Owners of cargo in " <i>Empress</i> " ..	Cargo restored to owners on payment of costs.
92. George Martin ..	.. ..	.. ..	..	Ditto ..	
93. Not reported ..	Lord Lyons ..	Jan. 31	5	Capture of " <i>M. S. Perry</i> " or " <i>Salvor</i> "	Condemned.
94. J. P. Nolan ..	Ditto ..	Feb. 5	3	Imprisonment ..	Refused to interfere; Mr. Nolan having taken part in political discussions at St. Louis when the town was under martial law.
95. Messrs. J. and W. Battersby	Claimants ..	Feb. 6	12	Capture of the " <i>Cheshire</i> " ..	Vessel condemned, but restored on bonds being given for her value. Appeal against condemnation pending.
96. R. M. Carson ..	Claimant ..	Feb. 15	13	Capture of " <i>Ariel</i> "	Condemned.
97. Messrs. Dexter ..	Lord Lyons ..	Feb. 15	16	Capture of " <i>Andreita</i> " or " <i>J. W. Wilder</i> "	Refused to interfere; the vessel having been formerly a Southern one, and not sufficient evidence being given of her <i>bonâ fide</i> sale to Messrs. Dexter.
98. Francisco Capella.					
99. Messrs. Isaac Campbell and Co.	Claimant ..	Mar. 6	20	Capture of " <i>Stephen Hart</i> " ..	Refused to interfere, under advice of Law Officers. Condemned.
100. J. M. Harris ..					
101. W. G. Chapman ..	Consul Archibald ..	Mar. 11	2	Capture of " <i>Prince Alfred</i> " ..	Condemned.
102. S. J. Fritzinger ..	Ditto ..	Mar. 11	2	Capture of " <i>Fanny Lee</i> " ..	Ditto.
103. E. Gardner ..	Ditto ..	Mar. 11	2	Capture of " <i>Havelock</i> " ..	Ditto.
104. H. N. Sawyer ..	Ditto ..	Mar. 11	2	Capture of " <i>Island Belle</i> " ..	Ditto.
105. Messrs. Bailey and Leetham	Claimants ..	Mar. 15	103	Capture of the " <i>Labuan</i> " ..	Case tried in Prize Court. Vessel released. Compensation promised.
106. Messrs. de Jersey and Co.					
107. Messrs. S. Lefevre and Co.					
108. T. Palmer ..	Consul Archibald ..	Mar. 22	4	Capture of the " <i>Mars</i> " ..	Condemned.
109. Messrs. Prats and Oliveros	Ditto ..	Mar. 22	4	Capture of the " <i>Major Barbour</i> "	Ditto.
110. J. Elford ..	Lord Lyons ..	Apr. 21	5	" <i>Southport</i> " fired at, detained, and searched	Explanation received.
111. J. Brookman ..	Ditto ..	Apr. 26	7	" <i>Amazon</i> " detained and searched.	Ditto.
112. R. Maury ..	Ditto ..	May 1	1	Further arrest and imprisonment ..	Lord Lyons refused to interfere further than by mentioning the case to Mr. Seward.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
113. E. Haigh .. 114. N. T. Batterfield .. 115. Messrs. H. Adder- ey and Co.	Consul Kortright ..	1862 May 6	29	Capture of " <i>Bermuda</i> " ..	Condemned. Appeal not reported.
116. Messrs. Crow, Wylie, and Co.	.. ..	May 7	21	Timber at Pensacola which they desire to be permitted to export. Alleged misappropriation of a portion of it	Permission refused. Further repre- sentation made to United States' Government. Answer not yet received.
117. J. A. Marsh .. 118. C. H. Adams ..	Acting Consul Ed- wards	May 22	5	Capture of " <i>Delta</i> " ..	Condemned. Sentence confirmed on appeal.
119. Messrs. Z. C. Pear- son 120. E. Hunter ..	Lord Lyons ..	May 23	15	Capture of " <i>Circassian</i> " ..	Condemned. Appeal pending.
121. Mrs. Scolefield ..	Mr. C. J. Hay ..	May 28	12	Wages due to her deceased son, late a seaman in the United States' Navy	Money paid.
122. J. W. Cole ..	H. D. Cole ..	June 7	3	Proceedings of military authorities in Kentucky.	Referred to Lord Lyons.
123. G. F. Anderson ..	Lord Lyons ..	June 2	4	Capture of " <i>Lion</i> " ..	Condemned.
124. W. Maher .. 125. G. Redgate ..	Ditto ..	June 2	4	Capture of " <i>Florida</i> " ..	Condemned. Appeal pending.
126. W. H. Smith .. 127. Minet Jimenes and Co. 128. Messrs. Herques and Maseras	Acting Consul Ed- wards	June 2	9	Capture of " <i>Maria</i> " ..	Condemned.
129. Not reported ..	Ditto ..	June 3	5	Capture of " <i>Elizabeth</i> " ..	Condemned. Sentence confirmed on appeal.
130. T. M. William ..	Ditto ..	June 4	10	Capture of " <i>Albert</i> " ..	Ditto.
131. R. L. Sanchez, Messrs. Tatham and Co.	Ditto ..	June 21	..	Search of " <i>Kate</i> " ..	Refused to interfere, as the search was not stated to have been con- ducted in an improper manner.
132. J. Roberts .. 133. Messrs. Sawyer and Menendez	Lord Lyons ..	June 9	7	Capture of " <i>Mersey</i> " ..	Condemned. Sentence reversed on appeal. Captors waived their right to further appeal on claim- ants giving up claim for damages.
134. W. H. Sweeting .. 135. Harrison Thomson 136. Abraham Fisher .. 137. Samuel Russell .. 138. John Dean .. 139. John Thomas ..	Ditto ..	June 9	14	Master and crew of " <i>Mersey</i> " im- prisoned and ill-used	Charges against United States' officials proved to be unfounded.
140. Sylloth Bay Steam Navigation	Consul Kortright ..	June 9	3	Capture of " <i>Cambria</i> " off Charles- ton.	Condemned.
141. W. R. Green ..	Acting Consul Ed- wards	June 9	4	Capture of " <i>Belle</i> " ..	Condemned.
142. Messrs. Z. C. Pear- son and Co. 143. E. Gerard ..	Ditto ..	June 9	5	Capture of " <i>Patras</i> " ..	Condemned. Sentence confirmed on appeal.
144. Messrs. Z. C. Pear- son and Co. 145. E. Gerard ..	Ditto ..	June 9	5	Capture of " <i>Stettin</i> " ..	Ditto.
146. Not reported ..	Ditto ..	..	2	Capture of " <i>Maria Theresa</i> " ..	Condemned.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
147. Messrs. H. Adderley and Co.	Colonial Office ..	1862 June 11	9	Capture of " <i>Ella Worley</i> " ..	Condemned. Sentence confirmed on appeal.
148. Ditto ..	Ditto ..	June 11	7	Detention of " <i>Time</i> " at New York	Vessel detained as having coal on board, in accordance with Act of Congress respecting such shipments.
149. J. Smith ..	Acting Consul Edwards	June 12	3	Capture of " <i>Flash</i> " ..	Condemned.
150. Not reported ..	Consul Kortright ..	June 16	2	Capture of " <i>British Queen</i> " and " <i>Active</i> "	Condemned.
151. Ditto ..	Ditto ..	June 16	1	Capture of " <i>Fair Play</i> " and " <i>Success</i> "	Not reported.
152. Not reported ..	Ditto ..	June 16	2	Capture of " <i>Intended</i> ," " <i>Coquette</i> ," and " <i>Providence</i> "	Condemned.
153. P. Goolrick 154. J. Gemmill ..	Mr. Stuart ..	June 25	7	A citizen of the United States who was acting as British Vice-Consul at Fredericksburg. Arrest, and destruction of a quantity of flour the property of Mr. Gemmill	United States' Government made inquiry into the case, but refused redress.
155. J. W. Franklin ..	Ditto ..	July 6	8	Imprisonment and alleged forcible abduction from British territory	Refused to interfere, was imprisoned for larceny, and did not adduce sufficient evidence as to abduction.
156. Messrs. Adderley and Co.	Colonial Office ..	July 8	2	" <i>Memphis</i> " fired at ..	Refused to interfere. Law Officers considered evidence insufficient for interference.
157. J. Carlin ..	Ditto ..	..	..	" <i>Cecile</i> " fired at ..	Ditto.
158. Messrs. J. and R. Martin	Claimants ..	July 10	27	Destruction of " <i>York</i> " by blockading fleet off coast of North Carolina	Claim for compensation under the consideration of the United States' Government.
159. W. H. Cowan ..	Mr. Stuart ..	July 11	2	Imprisonment ..	Refused to interfere; Mr. Cowan having been domiciled in United States, and exercised the rights of citizenship.
160. Messrs. Salter and Twining	Ditto ..	July 14	28	Capture of " <i>Will o' the Wisp</i> " ..	Vessel released by Prize Court. Compensation refused. Papers laid before Parliament.
161. R. G. Bushby ..	Claimant ..	July 28	20	Capture of " <i>Lilla</i> " ..	Condemned. Appeal pending.
162. Messrs. Barnes and Co.	Claimants ..	July 29	26	Goods forwarded in " <i>China</i> " to New York detained there and prevented from being shipped to Nassau without a bond being given that they should not be reshipped for blockaded ports	United States' Government refused to remove restrictions. Papers laid before Parliament.
163. Messrs. Guthrie and Co.	Ditto ..	July 30	..		
164. Messrs. Shorter and Co.	Ditto ..	July 30	..		
165. Messrs. J. Thompson and Co.	Mr. Stuart ..	July 20	..	Ditto.	
166. Messrs. Meadow and Co.	Ditto ..	..	..	Ditto.	
167. Messrs. W. Marshall	Ditto ..	..	..	Ditto.	
168. J. McLaurin ..	Mr. Scholefield, M.P.	Aug. 1	8	Imprisonment at New Orleans ..	Released.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
169. G. A. Stuart ..	Mr. Stuart ..	1862 Aug. 3	4	Capture of " <i>Emilie</i> ." Alleged misconduct of officers and men of United States' ship " <i>Restless</i> "	Explanation received. Vessel condemned.
170. Messrs. Murphy and Twining	Admiralty ..	Aug. 4	..	" <i>Annette</i> " detained by United States' ship " <i>Rhode Island</i> "	Explanation received from United States' Government.
171. Messrs. Dorrington and Forwood	Claimants ..	Aug. 5	78	Capture of " <i>Adela</i> "	Law Officers advised that case should be tried in Prize Court. Condemned. Appeal not reported.
172. J. W. Steele ..	Acting Consul Edwards	Aug. 7	3	Capture of " <i>Tubal Cain</i> " ..	Condemned.
173. T. S. Begbie ..	Ditto ..	Aug. 7	3	Capture of " <i>Memphis</i> " ..	Condemned. Sentence confirmed on appeal.
174. P. Denny ..					
175. T. Andrae ..					
176. J. H. Bethell ..	Colonial Office ..	Aug. 18	5	Detention of " <i>W. H. Clear</i> " off New York, and improper conduct of revenue officer	Explanation received.
177. J. B. Cramer ..	Ditto ..	Aug. 28	5	Detention of goods at New York ..	Compensation refused.
178. J. Carlin ..	Mr. C. Turner, M.P.	Sept. 8	15	Was passenger in the " <i>Memphis</i> ." Imprisonment	Compensation asked for.
179. F. Carroll ..	Mr. Stuart ..	Sept. 18	5	Imprisonment.	Mr. Stuart instructed to use his good offices to procure Mr. Carroll's release on his undertaking to leave the United States, or to find surety for good behaviour.
180. Major Longley ..	Ditto ..	Sept. 28	5	Arrest at Baltimore	Refused to interfere, his arrest having been caused by his entering into a discussion on the war with a United States' officer.
181. Messrs. Barclay & Mc Dowell ..	Ditto ..	Oct. 1	5	Capture of " <i>Orion</i> "	Condemned.
182. H. Laforce ..	Consul Archibald ..	Oct. 6	17	Capture of " <i>Sunbeam</i> "	Condemned. Sentence confirmed on appeal.
183. J. G. Lingham ..	Rev. J. Lingham ..	Oct. 15	4	Imprisonment at New Orleans ..	Released. Refused to interfere further under advice of Law Officers.
184. C. Cleburne ..	Mr. Stuart ..	Oct. 15	5	Imprisonment for refusing to work on the fortifications at Newport, Kentucky.	Inquiry made. Instructions sent by United States' Government for the redress of all such cases on proof of nationality being afforded.
185. J. Browne ..				Ill-usage by military at Cincinnati.	
186. A. Hardie ..				Forced enlistments at Cincinnati.	
187. A. Methuen ..				Ditto.	
188. G. Wigg ..	Ditto ..	Oct. 21	66	Destruction of " <i>Blanche</i> " by United States' ship " <i>Montgomery</i> ," off coast of Cuba.	Compensation requested. Case still under discussion.
189. R. F. Clement ..	Ditto ..	Oct. 21	..	Passenger in " <i>Blanche</i> " taken in " <i>Montgomery</i> " to Key West.	Ditto.
190. J. J. Burrowes ..	Messrs. Rankin, Gilmore, and Co.	Oct. 24	5	Imprisonment at New Orleans ..	Released on parole.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
191. W. Petty .. 192. J. Roberts .. 193. J. H. Roberts .. 194. S. Johnson .. 195. J. Knowles .. 196. J. R. Griffin .. 197. W. H. Griffin .. 198. E. Norwich .. 199. G. H. Edwards .. 200. H. Edwards .. 201. A. Thompson .. 202. R. Smith ..	Colonial Office ..	1862 Oct. 25	17	"Ellen" run down by United States' ship " <i>Mercedita</i> ." Destruction of vessel and cargo and loss of effects.	842 <i>l.</i> 9 <i>s.</i> 7 <i>d.</i> paid as compensation by the United States' Government.
203. N. H. Clements .. 204. T. Byrne ..	Consul Archibald .. J. Byrne ..	Oct. 25 Oct. 30	3 12	Capture of " <i>Revere</i> " .. Occupation of his house at New Orleans by United States' troops	Condemned. Instructions given by the United States' Government that payment should be made for the use of the house.
205. Dr. Syme .. 206. J. Dacres .. 207. M. Fallon ..	Mr. Stuart .. Ditto .. Ditto ..	Oct. 31 Oct. 31 Oct. 31	5	Imprisonment at New Orleans .. Ditto .. Ditto ..	Released on parole. Ditto. Ditto.
208. Not reported .. 209. W. Sherwin ..	Consul Archibald .. Messrs. J. H. Ismay and Co.	Nov. 4 Nov. 17	3 27	Capture of the " <i>Robert Bruce</i> " .. Imprisonment ..	Condemned. Compensation asked for. Case under the consideration of the United States' Government.
210. Messrs. Duranty and Co. 211. Messrs. Dorrington and Forwood 212. T. Sterling Begbie	Consul Archibald .. Ditto .. Ditto ..	Nov. 18 Nov. 18 Dec. 4	4 4 7	Capture of " <i>Anglia</i> " .. Capture of " <i>Scotia</i> " .. Capture of " <i>Ouachita</i> " ..	Condemned. Ditto. Condemned. Sentence confirmed on appeal.
213. G. Wait .. 214. G. Wigg .. 215. A. P. Laurent ..	Lord Lyons .. Ditto .. Ditto ..	Dec. 16 Dec. 16 Dec. 16	3 3 28	Capture of " <i>Theresa</i> " .. Capture of " <i>Isabel</i> " .. Imprisonment as a United States' citizen. Was master of the " <i>Isabel</i> "	Condemned. Condemned. Appeal pending. Released by exchange. Lord Lyons instructed not to advance any claim as Mr. Laurent had declared himself to be a citizen of the United States.
216. Z. C. Pearson .. 217. E. Gerard .. 218. E. Gerard .. 219. Not reported ..	Consul Archibald .. Ditto .. Ditto .. Ditto ..	Dec. 23 Dec. 23 Dec. 23	3	Capture of " <i>Patras</i> " .. Capture of " <i>Stettin</i> " .. Capture of " <i>Nassau</i> " ..	Condemned. Sentence confirmed on appeal. Ditto. Ditto.
220. J. Tovell .. 221. Messrs. J. Gibson 222. Azariah Curry .. 223. J. Murdenborough	Miss Tovell .. Claimants .. Lord Lyons .. Consul Archibald ..	1863 Jan. 8 Jan. 9 Jan. 9	6 17 15 4	Imprisonment .. Collision between United States' ship " <i>Vanderbilt</i> " and their vessel " <i>Symmetry</i> " Capture of " <i>Mont Blanc</i> " when at anchor off one of the Bahama cays Capture of " <i>Alicia</i> " ..	Lord Lyons instructed to ask for trial or release. Result not reported. 484 <i>l.</i> 17 <i>s.</i> 5 <i>d.</i> paid as compensation. Vessel restored. Compensation promised. Correspondence continuing. Condemned. Appeal pending.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
224. T. N. Crosse ..	Claimant ..	1863 Jan. 14	5	Destruction of property at Fredericksburg	Refused to interfere, as it did not appear how the property had been destroyed, or by which army.
225. Messrs. Adderley and Co.	Colonial Office	Jan. 23	5	Capture of " <i>Nonsuch</i> " ..	Condemned. Appeal pending.
226. J. W. Allen. ..					
227. D. Domron	Consul Archibald ..	Jan. 21	3	Capture of " <i>Comet</i> ," of which he was owner.	Condemned.
228. C. Brown ..	Ditto ..	Jan. 21	3	Owner of cargo of " <i>Comet</i> " ..	Ditto.
229. Not reported ..	Ditto ..	Jan. 21	2	Capture of " <i>Kate</i> " ..	Ditto.
230. Ditto ..	Ditto ..	Jan. 21	2	Capture of " <i>Flying Fish</i> " ..	Ditto.
31. Ditto ..	Ditto ..	Jan. 21	2	Capture of " <i>Carmita</i> " ..	Ditto.
232. P. A. Spearwater ..	Lord Lyons ..	Jan. 27	4	Detention of " <i>Echo</i> " at New York to prevent intelligence being given of General Banks's expedition.	Refused to interfere. Law Officers considered that it was competent for a belligerent to impose such restrictions.
233. T. Potts ..	Lieut.-Governor of New Brunswick, through Colonial Office	Feb. 2	16	Imprisonment. Was supercargo of the " <i>Hiawatha</i> ."	Refused to interfere, as he was imprisoned for improperly gaining possession of part of the cargo and sending it to England.
234. Z. C. Pearson and Co.	Consul Archibald ..	Feb. 3	2	Capture of " <i>Ann</i> " ..	Condemned.
235. Messrs. Sawyer and Menendez.	Ditto ..	..	..	Capture of " <i>Annie Dees</i> " ..	Ditto.
236. T. Lloyd ..	Ditto ..	..	..	Capture of " <i>British Empire</i> " ..	Ditto.
237. Not reported ..	Ditto ..	..	..	Capture of " <i>Belle</i> " ..	Ditto.
238. J. Eneas ..	Ditto ..	..	..	Capture of " <i>Levi Rowe</i> " ..	Ditto.
239. G. A. Stewart ..	Ditto ..	..	..	Capture of " <i>Mary Stewart</i> " ..	Ditto.
240. Not reported ..	Ditto ..	..	..	Capture of " <i>Nassau</i> " ..	Condemned. Sentence confirmed on appeal.
241. T. B. King ..	Ditto ..	..	..	Capture of " <i>Waterwitch</i> " ..	Condemned.
242. Captain Wynne ..	War Office ..	Feb. 6	8	Arrest when attempting to pass United States' military lines.	Escaped.
243. J. Hughes ..	Lord Lyons ..	Feb. 7	4	Imprisonment at New Orleans ..	Lord Lyons instructed to request moderate compensation. Result not reported.
244. J. Lawson ..	Ditto ..	Feb. 10	3	" <i>Princess Royal</i> " captured off Charleston with contraband at the time of the attack on the forts.	Condemned.
245. Messrs. J. and T. Johnson	Messrs. Lowndes, Bateson & Co.	Feb. 17	21	Capture of " <i>Pearl</i> " ..	Offer made to release on payment of expenses. Correspondence continuing.
246. G. Wigg					
247. H. Adderley & Co					
248. W. Ryan ..	Consul Archibald ..	Feb. 10	2	Capture of " <i>Rising Dawn</i> " ..	Condemned.
249. W. P. Hawkins ..	Mr. Wykeham Martin	Feb. 20	5	Captured in " <i>Princess Royal</i> " and imprisoned.	Released.
250. E. Garner ..	Ditto ..	Feb. 23	3	Capture of " <i>Brave</i> " ..	Condemned.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
251. J. B. Carver ..	Colonial Office ..	1863 Feb. 24	6	Capture of " <i>Emma Tuttle</i> " ..	The Master regained possession of the vessel; she was, however, subsequently recaptured and condemned.
252. Messrs. W. Barter and Co.	Claimants ..	Feb. 25	68	Capture of " <i>Springbok</i> " ..	Condemned. Appeal pending.
253. S. Begbie ..	Ditto ..	Feb. 27	..	Ditto.	
254. T. M. Gervans ..	Messrs. W. Barter and Co.	Mar. 9	..	Ditto, as owner.	
255. T. Best ..	Consul Archibald ..	Feb. 27	2	Capture of " <i>Richard</i> " ..	Condemned.
256. — Ernst ..	Ditto ..	Mar. 2	2	Capture of " <i>Minna</i> " ..	Ditto.
257. — Lewers ..	Mr. C. Fortescue, M.P.	Mar. 4	12	Loss of property ..	Refused to interfere, under advice of Law Officers, as he was domiciled in the United States.
258. O. Fallenstein ..	Consul Archibald ..	Mar. 13	3	Capture of " <i>Douro</i> " ..	Condemned.
259. Chapple, Dutton, and Co.	Ditto ..	Mar. 13	..	Ditto.	
260. Gustave Renaud ..	Ditto ..	Mar. 14	3	Capture of " <i>Avon</i> " ..	Ditto.
261. Byron Bode ..	Ditto ..	Mar. 14	..	Ditto.	
262. J. H. Symond ..	Ditto ..	Mar. 14	..	Ditto.	
263. Dr. Booth ..	Mr. Lindsay, M.P.	Mar. 20	12	Imprisonment at New Orleans ..	Released.
264. Messrs. Cox and Baker	Claimants ..	Mar. 23	30	Capture of " <i>Magicienne</i> " ..	Vessel released. United States' Government promise to ask Congress for compensation, the amount to be fixed by arbitration.
265. J. Spence ..	Ditto ..	Mar. 26	109	Capture of " <i>Peterhoff</i> " ..	Condemned. Appeal pending.
266. J. P. Harding ..					
267. Messrs. Bennett and Wake					
268. G. W. Almond ..					
269. Not reported ..	Consul Archibald ..	Mar. 30	2	Capture of " <i>Nicolai I</i> " ..	Condemned.
270. J. M. Lussen ..	Ditto ..	Apr. 3	3	Capture of " <i>Atlantic</i> " ..	Vessel and cargo restored.
271. A. Mc Millan ..	Mr. R. Mc Millan ..	Apr. 3	8	Alleged forcible enlistment ..	Deserted.
272. W. Fraser ..	Consul Archibald ..	Apr. 9	2	Capture of " <i>Mary Jane</i> " ..	Condemned.
273. Not reported ..	Ditto ..	Apr. 9	1	Capture of " <i>Sue</i> " ..	Not reported.
274. S. J. Massinger ..	Ditto ..	Apr. 10	3	Capture of " <i>Brothers</i> " ..	Condemned.
275. J. Thompson ..	Ditto ..	Apr. 10	3	Capture of " <i>Surprise</i> " ..	Ditto.
276. J. Gage ..	Ditto ..	Apr. 10	3	Capture of " <i>J. Williams</i> " ..	Condemned. Appeal pending.
277. Not reported ..	Ditto ..	Apr. 14	21	Capture of " <i>Granite City</i> " ..	Condemned.
278. G. B. Lawrence ..	Mrs. Lawrence ..	Apr. 28	7	Imprisonment ..	Released.
279. Messrs. Graze- brook and Co.	Claimants ..	Apr. 13	47	Capture of " <i>Dolphin</i> " ..	Condemned.
280. Not reported ..	Consul Lousada ..	Apr. 14	12	Capture of " <i>Artes</i> " ..	Ditto.
281. A. Nicol ..	Consul Walker ..	Apr. 15	5	Injury caused to property by United States' forces.	Compensation refused. Truth of his statements denied by United States' authorities.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
282. — Nevins ..	Claimant ..	1863 Apr. 15	4	Loss from being prevented going to New Orleans in consequence of supposed intention of United States' authorities there to arrest him.	Refused to interfere. Evidence insufficient.
283. R. Ranger ..	Lord Lyons ..	Apr. 21	8	Imprisonment and loss of property at New Orleans	Compensation requested from United States' Government. Correspondence continuing.
284. S. Redgate ..	Messrs. Gregory and Champion	Apr. 21	30	Captured in " <i>Peterhoff</i> ." Alleged ill-treatment in prison ..	Waiting for judgment of Court of Appeal.
285. — Ellsworth ..	Ditto ..	Apr. 21	..	Ditto	..
286. R. Bowden ..	Claimant ..	Apr. 22	21	Captured in " <i>Peterhoff</i> ." Claim for detention and as part owner of the cargo	Ditto.
287. T. S. Begbie ..	Consul Archibald ..	Apr. 24	3	Capture of " <i>Gertrude</i> " ..	Condemned.
288. Not reported ..	Ditto ..	Apr. 24	3	Capture of " <i>Antelope</i> " ..	Ditto.
289. W. Hadden ..	Ditto ..	..	3	Capture of " <i>Agnes</i> " ..	Part of cargo released. Vessel and remainder condemned.
290. Messrs. Harvey and Tucker	Ditto ..	Apr. 28	6	Capture of " <i>Pacific</i> ," subsequently released without damages.	Refused to interfere, under advice of Law Officers, as owners should have appealed to a Superior Court.
291. E. Williams ..	Ditto ..	Apr. 28	3	Capture of " <i>Gipsy</i> " ..	Condemned.
292. Captain G. Grindle	S. Grindle ..	Apr. 27	16	Capture of " <i>Antona</i> ," of which he was master. Detention on board United States' ship " <i>Pensacola</i> ."	Case tried at New York. Vessel condemned. Master released.
293. Messrs. J. and T. Johnson	Lord Lyons ..	May 5	..	Claim as owners of " <i>Antona</i> " ..	..
294. A. Ruberg ..	Mr. Scholefield, MP.	May	14	Imprisonment at San Francisco ..	Released.
295. J. T. Bourne ..	Consul Archibald ..	May 1	6	Owner of " <i>St. George</i> " captured	Condemned.
296. J. L. Fennell ..	Ditto ..	..	..	Part owner of cargo of " <i>St. George</i> "	..
297. J. E. Davidson ..	Ditto ..	May 4	1	Capture of " <i>Anne Sophia</i> " ..	Released by Admiral in command of United States' squadron without going to Prize Court.
298. Cpt. J. Simpkins	Lord Lyons ..	May 5	5	His vessel " <i>Dream</i> " fired at by a vessel hoisting United States' colours.	Inquiry promised. Result not reported.
299. J. Murphy ..	Claimant ..	May 18	3	Part owner of cargo of " <i>Dolphin</i> "	Referred to Prize Court. Vessel condemned.
300. J. J. Craven ..	Lord Lyons ..	May 19	5	Imprisonment and banishment from Missouri for writing a political pamphlet.	Refused to interfere; the authorship of the pamphlet being proved.
301. G. R. Gammon ..	Consul Archibald ..	May 22	3	Capture of " <i>Carita</i> " ..	Condemned.
302. T. Best ..	Ditto ..	May 22	3	Capture of " <i>Emma Amelia</i> " ..	Ditto
303. J. A. Laws ..	Ditto ..	May 22	1	Capture of " <i>Gleaner</i> ." Seized at Tortugas.	Released on arrival at Key West.
304. Messrs. Johnson, Comber and Co.	Consul Morgan ..	May 26	16	Detention of " <i>Castor</i> " at Bahia, by United States' ship " <i>Mohican</i> ," at the instance of the United States' Consul.	Inquiry instituted, result not yet reported.

Name.	By whom reported.	Date.	No of Despatches and Letters received from Foreign Office.	Ground of Claim	How disposed of.
305. T. Paulsen ..	Lord Lyons ..	1863 May 29	11	Imprisonment as master of "Tampico."	Vessel condemned. Master and crew released.
306. S. J. Nagle ..	Ditto ..	.. ..	..	Imprisonment as supercargo of "Tampico."	
307. Messrs. F. Huth and Co.	Ditto ..	.. ..	..	Capture of "Tampico" ..	
308. W. H. Fisher ..	Claimant .	.. June 18	7	Capture of "Minnie" ..	Vessel condemned in Philadelphia Prize Court.
309. W. Binney ..	Lord Lyons ..	May 29	16	Owner of "Clyde" captured when on a voyage from Campeche to Havana.	Vessel restored. Cargo detained. Correspondence continuing.
310. F. G. Wood ..	Ditto ..	May 29	8	Passenger in "Clyde." Detention and loss of property.	Property restored.
311. Messrs. Pauvert and Son, W. H. Smith	Ditto ..	June 2	2	Capture of "Maria" ..	Condemned.
312. T. Sherman ..	Ditto ..	June 8	2	Imprisonment, being in United States' Navy, for alleged refusal to fight against Great Britain.	Refused to interfere, as he was in the United States' Service.
313. T. Bennett ..	Consul Archibald ..	June 8	3	Capture of "W. J. Leitch." ..	Condemned.
314. P. Capper ..	Ditto ..	June 8	3	Capture of "Eagle" ..	Ditto.
315. T. Johnson ..	Ditto ..	June 8	3	Capture of "Comet" ..	Ditto.
316. J. Green ..	Lord Lyons ..	June 12	5	Injury to property by United States' troops.	United States' Government promise to inquire into such claims when money is granted by Congress for compensation.
317. Messrs. Barr and Williamson	Claimants ..	June 22	13	Part owners of cargo in "Hiawatha"	Vessel condemned. Application made on behalf of owners of cargo. Answer not yet received.
318. J. Harcastle ..	Lord Lyons ..	June 22	14	Imprisonment ..	Mr. Harcastle shot by a sentry at Old Capitol Prison. Corre- spondence continuing.
319. Tootal Broadhurst and Co.	Ditto ..	June 22	17	Exaction of bonds from persons shipping goods from New York to the West Indies.	United States' Government refused to relax restrictions on this trade.
320. Messrs. Wier ..	Consul Archibald ..	June 25	13	"Isabella Thompson," captured between Nassau and Halifax.	Vessel restored without costs or damages. Appeal pending.
321. Messrs. Pryor and Sons					
322. J. McDaniel ..					
323. Messrs. Saunders					
324. N. K. Clements ..					
325. J. McAlister Ver- non	Lord Lyons ..	June 26	5	Imprisonment ..	Refused to interfere, as Mr. Vernon had been domiciled in the Southern States.
326. Not reported ..	Consul Lousada ..	June 29	1	Capture of "St. Johns" ..	Condemned. Undefended.
327. Ditto ..	Ditto ..	June 29	2	Capture of "Alma" ..	Ditto.
328. Ditto ..	Ditto ..	.. ..	2	Capture of "Cherokee" ..	Ditto.
329. Not reported ..	Ditto ..	June 29	1	Captures of "Julia," "P. O. Wallis," "Cuba," "Southern Independence," "Charlotte," "Louise," "R. O. Bryan," "Defiance." "Zulima" ..	Condemned. Pending.
330. Ditto ..	Ditto ..	.. ..	..	"James Andrews" seized by Col- lector at Edgartown.	Restored on payment of expenses.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
331. Not reported ..	Consul Lousada ..	1863 June 29 ..	..	" <i>La Manche</i> " seized by Collector at Edgartown.	Restored on payment of expenses.
332. Ditto ..	Ditto ..	..	..	Capture of " <i>D. E. Wolf</i> " ..	Pending.
333. Capt. W. Wilson ..	Colonial Office ..	July 3 42	42	On behalf of Mr. G. A. Trenholm, for the destruction of the " <i>Margaret and Jessie</i> " off the coast of Eleuthera, by the United States' ship " <i>Rhode Island</i> "	Evidence submitted to United States' Government. Correspondence continuing.
334. J. N. Harvey ..	Lord Lyons ..	July 3	10	Prohibition to export cattle from New York to British West Indies.	Permission refused. Correspondence continuing.
335. J. Miller ..	..	..	..	..	..
336. J. Cosby ..	Sir Hugh Cairns ..	July 4	5	Imprisonment at New Orleans ..	Refused to interfere, as he confessed to having attempted to pass the military lines surreptitiously. Mr. Cosby released.
337. A. J. Mundella ..	Mr. C. Paget, M.P.	July 5	5	Part owner of cargo of " <i>Peterhoff</i> "	Informed must wait for result of appeal.
338. T. Hilliard ..	Consul Archibald ..	July 6	2	Capture of " <i>Haitie</i> " ..	Vessel restored on payment of salvage. Cargo condemned.
339. T. R. Duncan ..	Acting Consul Walker	July 9	7	Arrest and banishment from United States.	Inquiry promised.
340. J. J. Scora Hal- berg and Co.	Lord Lyons ..	July 17	27	Capture of " <i>Victor</i> " ..	Restoration ordered by Prize Court, Appeal of captors pending.
341. Hymman and Co.	..	..	..	..	..
342. J. J. Pearce ..	Ditto ..	July 17	..	} Captain, engineer, and mate of " <i>Victor</i> ." Alleged ill-treatment at Key West.	Refused to interfere, ill-treatment not being proved.
343. G. H. Ardill ..	Ditto ..	July 17	..		
344. L. Kennedy ..	Ditto ..	July 17	..		
345. J. Cushing ..	Consul Archibald ..	July 18	2	Capture of " <i>Rebecca</i> " ..	Condemned.
346. G. P. Bell ..	Ditto ..	July 20	15	Capture of " <i>Don José</i> " ..	Vessel released without trial. Claim for damages under consideration.
347. P. Cupper ..	Ditto ..	July 20	3	Capture of " <i>Eagle</i> " ..	Condemned.
348. J. Harkness ..	Ditto ..	July 20	3	Capture of " <i>Pushmatakan</i> " ..	Vessel and cargo restored.
349. W. H. Crosseup ..	Ditto ..	July 20	6	Capture of " <i>Elizabeth</i> " ..	Ditto.
350. T. S. Begbie ..	Ditto ..	July 27	7	Capture of " <i>Emma</i> " ..	Condemned.
351. J. D. Taylor ..	Consul Vines ..	July 30	17	" <i>Juno</i> " detained, fired at, and searched, by United States' ship " <i>Kearsarge</i> ," off Terceira.	United States' Government have expressed regret for proceedings. Correspondence continuing.
352. R. Atkin ..	Claimant ..	Aug. 4	13	Alleged improper exercise of jurisdiction by Admiralty Court at New York in an action at law brought against him by a seaman formerly serving in his ship, " <i>Dennis Hill</i> ."	Refused to interfere, as Law Officers considered the Court had jurisdiction in such cases.
353. Not reported ..	Consul Archibald ..	Aug. 22	2	Capture of " <i>Nymph</i> " ..	Condemned.
354. P. A. Spearwater ..	Mr. Stuart ..	Aug. 28	8	Capture of " <i>Echo</i> " ..	Vessel released by Prize Court, without damages. Refused to interfere at present.
355. Rev. F. Light- bourne	Acting Consul Walker	Aug. 31	4	Injury done by United States' troops to property at Jackson	Informed could not interfere, as he was domiciled at Jackson.
356. Messrs. Wilson & Sons	Claimants ..	Sept. 5	6	Part owners of cargo of " <i>Peterhoff</i> " ..	Appeal pending.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
357. A. Curry ..	Consul Archibald ..	1863 Sept. 5	2	Capture of " <i>Charmer</i> " ..	Condemned.
358. J. Smith ..	Ditto ..	Sept. 5	..	Capture of " <i>Clara Louisa</i> " ..	Ditto.
359. J. H. Adams ..	Ditto ..	..	..	Capture of " <i>Southern Rights</i> " ..	Ditto.
360. Amos Johnston ..	Ditto ..	..	..	Capture of " <i>Shot</i> " ..	Ditto.
361. — Russell ..	Ditto ..	..	..	Capture of " <i>Ann</i> " ..	Ditto.
362. G. Barrows ..	Mr. Stuart ..	Sept. 13	8	Imprisonment at Memphis, in 1862	Inquiry made. Further evidence required.
363. P. Jarmay ..	Claimant ..	Sept. 17	2	Alleged intention of United States' Government to detain him in the United States	Informed that he should apply to Lord Lyons.
364. B. W. Hart ..	Ditto ..	Sept. 30	4	" <i>Atlantic</i> " captured by United States' ship " <i>Princess Royal</i> ," and subsequently rescued	Refused to interfere, as the vessel had been rescued.
365. B. F. Allen ..	Admiralty ..	Oct. 5	15	Proceedings of the United States' Consul at Rio de Janeiro with regard to his vessels " <i>Gracie</i> ," " <i>Annie</i> ," and " <i>Lottie</i> "	Waiting for report from Her Majesty's Consul at Rio de Janeiro.
366. W. Thompson ..	Claimant ..	Oct. 14	5	Imprisonment ..	Waiting for trial.
367. Mr. W. Matchett	Ditto ..	Oct. 15	7	Dittot ..	Released. Refused to interfere further, as he had exercised the rights of citizenship.
368. Captain Tucker J. Nagle	Ditto ..	Oct. 23	4	Capture of " <i>Carmita</i> " off coast of Texas.	Condemned.
369. Messrs. J. and S. Henry	Lord Lyons ..	Nov. 3	42	Capture of " <i>Sir W. Peel</i> " ..	Under consideration.
370. Messrs. Renouard and Co.	Ditto ..	Nov. 3	4	" <i>Etta</i> ," formerly Confederate vessel " <i>Retribution</i> ," seized at New York.	Case to be tried in a Court of Law, Reason for seizure not reported.
371. Messrs. Leo Schuster and Co.	Messrs. Bateson and Robinson	Nov. 12	7	Part owners of cargo of " <i>Magicienne</i> "	To be considered with other claims arising out of this case.
372. — Berkley ..	J. Berkley ..	Nov. 25	3	Alleged forced enlistment ..	Not enlisted.
373. Not reported ..	Consul Archibald ..	Nov. 27	12	Capture of " <i>Banshee</i> " on 21st November	Condemned.
374. J. Smith ..	Claimant ..	Nov. 30	5	Ill-usage when serving in New York police	Refused to interfere, under advice of Law Officers.
375. J. Turner ..	Ditto ..	Dec. 14	3	Alleged misconduct of Customs' officers at Boston	Under consideration.
376. Messrs. Gallichau.	Ditto ..	Dec. 17	17	Capture of " <i>Volant</i> " ..	Ditto.
377. Messrs. Bateson & Robinson	Ditto ..	Dec. 18	12	Capture of " <i>Dashing Wave</i> " ..	Ditto.
378. Messrs. Birschoff					
379. — Grey ..	Lord Rosse ..	Dec. 21	7	Imprisonment. ..	Inquiry made. Result not reported.
380. Not reported ..	Consul Lousada ..	Dec. 22	1	Capture of " <i>Victory</i> " ..	Condemned.
381. Ditto ..	Ditto ..	..	..	Capture of " <i>Britannia</i> " ..	Ditto.
382. Ditto ..	Ditto ..	..	..	Capture of " <i>Banshee</i> " on 28th July	Restored. Claim for damages pending.

Name.	By whom reported.	Date.	No. of Despatches and Letters sent from Foreign Office.	Ground of Claim.	How Disposed of.
383. Not reported ..	Consul Lousada ..	1863 Dec. 22	1	Capture of " <i>Constadt</i> " ..	Condemned.
384. Ditto ..	Ditto ..	.. ..	..	Capture of " <i>Ella</i> " ..	Pending.
385. Ditto ..	Ditto ..	.. ..	..	Capture of " <i>Cornubia</i> " ..	Ditto.
386. Ditto ..	Ditto ..	.. ..	..	Capture of " <i>R. T. Renshaw</i> " ..	Ditto.
387. Ditto ..	Ditto ..	.. ..	..	Capture of " <i>Atlantic</i> " ..	Ditto.
388. Ditto ..	Ditto ..	.. ..	..	Capture of " <i>R. E. Lee</i> " ..	Ditto.
389. Ditto ..	Ditto ..	.. ..	..	Capture of " <i>Herald</i> " ..	Ditto.
390. Messrs. Bennett & Wake	Claimants ..	Dec. 30	26	Capture of " <i>Science</i> " ..	Under consideration.
391. J. Angel ..	Claimant ..	Dec. 31	2	Ditto	Ditto.
392. J. Crutchett ..	Ditto ..	1864 Jan. 5	11	Injury to property ..	Ditto.
393. Messrs. Anderson, Saxon, and Co.	Messrs. Sinclair and Hamilton.	Jan. 4	93	Capture of " <i>Saxon</i> ." Coals seized at Angra Pequena.	Ditto.
394. Messrs. de Lizardi and Co.	Claimants ..	Jan. 5	6	Bullion captured in " <i>Dashing Wave</i> "	Ditto.
395. Not reported ..	Lord Lyons ..	1863 Dec. 29	5	Capture of " <i>Matamoros</i> " ..	Released by Prize Court. Under consideration.
396. R. Jump ..	Ditto ..	Dec. 29	6	Detention of " <i>Florrie</i> " at New Orleans	Detained to prevent intelligence of proposed expedition to Texas. Refused to interfere, such detention being justifiable.
397. H. Allison ..	Ditto ..	.. ..	..	Similar detention of " <i>H. G. Berry</i> "	Ditto.
398. Not reported ..	Ditto ..	.. ..	..	Similar detention of " <i>Vigilant</i> " and other vessels	Ditto.
399. Lieutenant Rooke	Ditto ..	Dec. 31	9	Imprisonment	Case represented to United States' Government. Did not interfere further. Lieutenant Rooke released.
400. Not reported ..	Consul Kortright ..	1864 Jan. 7	1	Captures of " <i>Rebecca</i> ," " <i>Lacriola</i> ," " <i>Cora</i> ," " <i>Rowena</i> ," " <i>Sarah</i> ," " <i>Cataline</i> ," " <i>Morning Star</i> ," " <i>Chance</i> ," " <i>Caroline and Virginia</i> ," " <i>Emilie</i> ," " <i>Worster Shrub</i> ," " <i>Volant</i> ," " <i>Emma</i> ," " <i>Dixie</i> ," " <i>Napier</i> ," " <i>Ladona</i> ," " <i>Aquilla</i> ," " <i>Elizabeth</i> ," " <i>Louisa</i> ," " <i>Josephine</i> ," " <i>Eliza</i> ," " <i>Fanny</i> ," " <i>Defiance</i> ," " <i>Fanny Laure</i> ," " <i>William Creevy</i> ," " <i>Nelly</i> ," " <i>David Crockett</i> ," " <i>Elmira Cornelius</i> ," " <i>Caroline</i> ," " <i>Emma</i> ," " <i>Wave</i> ," " <i>Brilliant</i> ," " <i>J. C. Roher</i> ," " <i>Princess Royal</i> ," " <i>Glide</i> ," " <i>Major E. Wills</i> ," " <i>Minnie</i> ," " <i>Brilliant</i> ," " <i>Time</i> ," " <i>Wanderer</i> ," " <i>Express</i> ," " <i>Wonder</i> ," " <i>Bettie Kratzer</i> ," " <i>Emma</i> ," " <i>Artist</i> ," " <i>Jupiter</i> "	All condemned.
401. Family of J. Gray	Colonel Sykes, M.P.	Jan. 29	7	J. Gray killed by Lieutenant Donovan of United States' navy on board " <i>Saxon</i> "	Under consideration.

Name.	By whom reported.	Date.	No of Despatches and letters to and from Foreign Office.	Ground of Claim.	How disposed of.
402. James O'Neill ..	Lord Lyons ..	1864 Jan. 26	5	Imprisonment. . . .	Released. Under consideration.
403. P. Hamilton ..	Ditto ..	Jan. 26	4	Ditto	Ditto.
404. Captain Steele ..	Ditto ..	Jan. 26	8	Ditto	Released.
405. J. McHugh ..	Ditto ..	Jan. 26	5	Ditto	Under consideration.
406. G. F. Cauty ..	Ditto ..	Jan. 26	4	Ditto	Released.
407. J. Eneas ..	Ditto ..	Jan. 26	4	Ditto	Under consideration
408. J. C. Rahming ..	Ditto ..	Jan. 26	6	Ditto	Ditto.
409. G. H. Pearce ..	Colonial Office ..	Feb. 13	5	Interference of officer of a vessel flying United States' colours with their wrecking schooner "Dart"	Instructions sent to Lord Lyons.
410. J. Harris ..					
411. W. H. Bethel ..					
412. J. Ring ..	Lord Lyons ..	Feb. 5	7	Imprisonment at Key West ..	Instructions sent.
413. J. Macaulay ..	T. Macaulay ..	Feb. 19	3	Ill-usage at Hilton Head ..	Lord Lyons to inquire.
414. J. M. Wilson ..	Claimant ..	Feb. 22	5	Loss of property	Refused to interfere, as the case relating to land in Pennsylvania was one for the consideration of the United States' Courts of Law.
415. W. Miller ..	Lord Bury ..	Feb. 22	4	Ill-treatment and loss of property ..	Lord Lyons to inquire.
416. Heirs of late J. Purvis.	A. Scott ..	Mar. 7	6	Property destroyed by United States' troops.	Under consideration.
417. C. Cole ..	Lord Lyons ..	Feb. 29	2	Alleged improper conscription, he claiming to be a British subject.	Ditto.
418. Hugh Bennett ..	Board of Trade ..	Mar. 14	3	Impressment on board United States' ship "North Carolina."	Instructions sent to Lord Lyons.
419. Captain Haggin ..	Lord Lyons ..	Mar. 8	1	Imprisonment. Was master of "Sylvanus"	Under consideration.
420. R. S. Bernard ..	Ditto ..	Mar. 8	1	Imprisonment. Captured in "Sallie."	Ditto.
421. D. Wilson ..					
422. J. May ..					
423. Not reported ..	Ditto ..	Mar. 8	3	Capture of "Sallie"	Ditto.
424. Ditto ..	Ditto ..	Mar. 8	1	Capture of "Sylvanus"	Ditto.
425. J. Barrett ..	Ditto ..	Mar. 8	..	Imprisonment	Ditto.
426. Not reported ..	Consul Archibald ..	Mar. 12	1	Captures of "Annie," "Kate," "Maria," "Bishop"	Condemned.
427. Messrs. Brown ..	Ditto ..	..	..	Owners of part of cargo of American vessel "Lynchburg"	Messrs. Brown's part of cargo released.
428. Messrs. Sturgess and Bennett	Ditto ..	..	..	Capture of "Mary Clinton"	Condemned. Appeal pending.
429. H. A. McLeod ..	Ditto ..	..	..	Capture of "Prince Leopold"	Condemned.
430. C. M. Fry ..	Ditto ..	..	..	Capture of "Sally Magee"	Condemned. Appeal pending.
431. C. and C. C. Crom- well	Ditto ..	..	..	Capture of "Andromeda"	Ditto.
432. J. Walker ..	Ditto ..	..	..	Capture of "Adele"	Condemned.
433. W. Hadden. ..	Ditto ..	..	..	Capture of "Agnes"	Restored.

Name.	By whom reported.	Date.	No. of Despatches and Letters to and from Foreign Office.	Ground of Claim.	How disposed of.
434. B. Renaud ..	Consul Archibald ..	1864 Mar. 12	1	Capture of " <i>Basgoing</i> " ..	Condemned. Appeal pending.
435. R. May ..	Ditto ..	..	..	Capture of " <i>Cora</i> " ..	Ditto.
436. D. Leslie ..	Ditto ..	..	..	Capture of " <i>Columbia</i> " ..	Condemned.
437. A. Borrowman ..	Ditto ..	..	..	Capture of " <i>Courier</i> " ..	Ditto.
438. E. F. Rich ..	Ditto ..	..	..	Capture of " <i>Francis</i> " ..	Ditto.
439. J. Merrill ..	Ditto ..	..	..	Capture of " <i>Henry Traverse</i> " ..	Ditto.
440. E. G. Guthrie ..	Ditto ..	..	..	Capture of " <i>Ida</i> " ..	Ditto.
441. James Lions ..	Ditto ..	..	..	Capture of " <i>Jane</i> " ..	Condemned. Appeal pending.
442. J. Matthews ..	Ditto ..	..	..		
443. W. Austin ..	Ditto ..	..	..	Capture of " <i>Lucy</i> " ..	Ditto.
444. M. Oliphant ..	Ditto ..	..	..	Capture of " <i>Nahum Stetson</i> " ..	Ditto.
445. J. King ..	Ditto ..	..	..	Capture of " <i>Pearl</i> " ..	Ditto.
446. J. R. Russell ..	Ditto ..	..	..	Capture of " <i>Tower</i> " ..	Condemned.
447. D. J. Cook ..	Ditto ..	..	..	Capture of " <i>Venice</i> " ..	Condemned. Appeal pending.
448. H. Wickland ..	Ditto ..	..	..	Capture of " <i>Victoria</i> " ..	Released by captor.
449. W. H. Cooper ..	Ditto ..	..	..	Capture of " <i>William</i> " ..	Condemned.
450. Not reported ..	Ditto ..	..	..	Captures of " <i>Adventure</i> ," " <i>Agnes</i> ," " <i>Avenger</i> ," " <i>Anna</i> ," " <i>Ascen-</i> " <i>sion</i> ," " <i>By George</i> ," " <i>Curlew</i> ," " <i>Dart</i> ," " <i>Director</i> ," " <i>Emma</i> ," " <i>Ellen</i> ," " <i>Eugenie</i> ," " <i>Edward</i> ," " <i>Florence Nightingale</i> ," " <i>Fro-</i> " <i>lic</i> ," " <i>Georgia</i> ," " <i>Hermosa</i> ," " <i>Handy</i> ," " <i>Harriet</i> ," " <i>Julia</i> ," " <i>Juniper</i> ," " <i>Justina</i> ," " <i>La-</i> " <i>vinia</i> ," " <i>Lily</i> ," " <i>Linnet</i> ," " <i>Lady</i> " <i>Maria</i> ," " <i>Margaret</i> ," " <i>Maggie</i> " <i>Fulton</i> ," " <i>Martha Jane</i> ," " <i>Mail</i> ," " <i>Meteor</i> ," " <i>Maria</i> " <i>Alberti</i> ," " <i>Newcastle</i> ," " <i>New</i> " <i>Year</i> ," " <i>Neptune</i> ," " <i>O. S.</i> " <i>Breeze</i> ," " <i>Ripple</i> ," " <i>Relam-</i> " <i>pago</i> ," " <i>Richard</i> ," " <i>Ring-</i> " <i>dove</i> ," " <i>Sea Bird</i> ," " <i>Sea</i> " <i>Drift</i> "	Ditto.
451. N. R. Clements ..	Ditto ..	..	1	Capture of " <i>Glen</i> ," July 1863 ..	Released. 17,150 dollars damages and costs awarded against captors by Prize Court

Total Number of Despatches and Letters to and from Foreign Office, 2,871.

Memorandum.

This Return comprises the result of the fullest examination of the correspondence in the Foreign Office, and is believed to be complete as far as that correspondence goes. In order, however, to guard against any prejudice which might result to British claimants from their claims not being inserted in this List, it is necessary to observe that the Return is not to be taken as conclusive; and this reserve is the more necessary inasmuch as it is understood that numerous claims have been registered in the British Mission at Washington, though not reported home, which may in due season be brought before the Government of the United States.

Foreign Office,
March 31, 1864.

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NORTH AMERICA.
No. 11. (1864.)

Return of Claims of British Subjects against the
United States' Government from the Commence-
ment of the Civil War to the 31st of March, 1864.

*Presented to the House of Lords by Command
of Her Majesty, in pursuance of their Address
dated February 16, 1864.*

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NORTH AMERICA.

No. 12. (1864.)

FURTHER CORRESPONDENCE

RESPECTING

THE ENLISTMENT OF BRITISH SEAMEN

AT

QUEENSTOWN

ON BOARD THE

UNITED STATES' SHIP OF WAR

“KEARSARGE.”

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

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Further Correspondence respecting the Enlistment of British Seamen at Queenstown on board the United States' ship of war "Kearsarge."

No. 1.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, March 31, 1864.

I HAVE the honour to bring to your notice an account taken from a newspaper of what passed at a trial before Mr. Justice Keogh of the British subjects indicted for having taken service in the United States' ship "Kearsarge," at Queenstown, in violation of the provisions of the Foreign Enlistment Act, and with reference to the correspondence which has passed between us. I have the honour to request that you will inform me whether you have any explanations to offer on the subject.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 1.

Extract from the "Dublin Evening Mail" of March 16, 1864.

Cork, Monday, March 14.

(From our own Correspondent.)

CROWN COURT.

(Before Mr. Justice Keogh.)

THE "KEARSARGE."

JOHN SULLIVAN, John Murphy, Edward Pyburn, Thomas Murphy, Denis Leary, and Daniel O'Connell, were indicted for having on the 4th November, 1863, agreed to enter service as sailors on board a vessel of war of the United States of America, called the "Kearsarge," contrary to the provisions of the Foreign Enlistment Act.

The Right Honourable the Attorney-General, M.P., Sir Colman O'Loughlen, Q.C., M.P., C. R. Barry, Q.C., James O'Hea, George Waters, and J. C. Neligan, appeared for the Crown. Mr. J. C. Coffey, instructed by Mr. C. P. Wallis, appeared to watch the proceedings on behalf of the Confederate States of America. The prisoners were undefended.

They were all young men of very respectable appearance, and wore the naval dress of American sailors.

They pleaded "guilty," one of them saying that they did not think it was any harm.

The Attorney-General said that the object of his attendance had been to some extent accomplished. The traversers had wisely submitted, for the evidence against them was conclusive. The law had been vindicated in the first and only case in which it had been possible to prove an infringement of the Foreign Enlistment Act in Ireland; and he took that opportunity of announcing to the people the nature of that statute, the mischief which it aimed to prevent, and the determination of the Executive to enforce its provisions. The Act 29 Geo. III, cap. 69, presented in the briefest untechnical language, forbade any natural-born subject of the Queen, without her express authority, to enlist, or to induce others to enlist, in any foreign service, military or naval, under pain of fine and imprisonment, at the discretion of the Court. The policy of this law was manifestly wise and

just. It tended to maintain amity throughout the great family of civilized nations, and it had the highest sanction of morality and religion, in forbidding men to shed the blood of their fellow-creatures in conflicts with which they had no concern, for the wretched hire of the mercenary, without the pretext of self-defence or the approval of legitimate authority. The circumstances of this country made the enforcement of the statute especially necessary to Ireland. He lamented the vast emigration which had been produced by much suffering in latter years, encouraged by increased facilities of transit, and the larger rewards of labour beyond the seas, and continued by the family attachment which induced those who had gone to help their friends to follow, and those who remained to desire re-union with the objects of their old affections. But, lament it as we might, we could not forbid the free egress of our people, save when it was made for purposes condemned by the law. A fearful struggle was convulsing the Western Continent. That struggle commanded our anxious attention, but we had no right to decide between the combatants. The wisest and best amongst us held opposing views upon the merits of the contending causes, and those who administered the law were bound to see that, so far as possible, the subjects of this realm should not meddle with it to their own destruction, and the interruption of our friendly relations with foreign Powers. When we thought of the blood which had been shed by Irishmen in that terrible contest, the necessity for the discharge of that duty became more painfully apparent. They had been slaughtered wholesale, it was said to the number of 200,000. Was it not dreadful that men of our race should be arrayed in both the contending armies, and butcher each other in a ruthless controversy which was not theirs, for objects with which their country was not identified? If it were true, as has been stated, that in December last there were in New York 108,991 persons born in Ireland in a state of pauperism, of whom 65,500 were women, it was surely impossible to give more appalling proof of the wretchedness which had been born of this war, or more persuasive argument of the propriety of making an effort to save our people from such calamity. Not merely, therefore, for the legal maintenance of international relations, but also for the well-being of the Irish community, the Executive Government would put the law in force with perfect impartiality, whether the attempt at enlistment should be made for the South or the North. This was the first case in which it had been found possible to prosecute, and the traversers, having perhaps erred in ignorance of the law, and having shown a proper feeling in submission, would, he had no doubt, be dealt with leniently by the Court. But hereafter, should any attempt be made to evade or defy the law, all who might have concern in it, and especially any who might be engaged as agents in inducing others to enlist, would be without excuse, and should be without mercy.

His Lordship asked the Attorney-General whether he pressed for any punishment. He did not wish to be misunderstood as suggesting any course. He would offer no suggestion whatever.

The Attorney-General.—I quite understand your Lordship. I accept the responsibility, and say at once that, considering this is the very first occasion on which the statute has been authoritatively promulgated in Ireland—the high probability that the traversers were, as they alleged, ignorant of its existence—the probability, also, that they acted from straitened circumstances, and with a view to better their condition—the excellent characters which, as the Resident Magistrate informs me, they have always borne, and the fact that those by whom they were induced to act illegally are not amenable to justice—I think I exercise a sound discretion in stating to the Court that I do not press for punishment. I believe every purpose of this trial and of my presence here will be substantially attained if the prisoners are bound over to appear for judgment when called on. The country will know what the law is, and that it will be stringently enforced.

His Lordship said the Attorney-General had taken a bold course. He had taken the whole responsibility on himself—a responsibility which he (Judge Keogh) was satisfied the Attorney-General was able, as he always was, to sustain. The course which had been taken was also a wise one. The act on which the prosecution was grounded was one of the wisest, in his opinion, now remaining on our statute-book, and the policy of the law had been most clearly stated by the Attorney-General in language which he (the learned Judge) could not attempt to imitate, and with eloquence which he had seldom heard surpassed. It was an Act passed so long ago as the year 1819, and it provided that any person who should, directly or indirectly, violate that Act should be liable to a heavy fine and imprisonment. Here we had those young men entering the service of the United States, a Power at peace with Great Britain, at Queenstown, in the grossest violation of all amicable relations which ought to exist between friendly Powers. The subjects of this realm were taken by officers of that navy. They well knew that they were violating the municipal laws of this country in taking the subjects of these realms on board that ship

He regretted exceedingly that, instead of trying these young men, who he could well believe were ignorant of the Act, influenced, perhaps, by want of employment, perhaps by a desire for adventure, perhaps by a desire to see other lands—he was not trying the guilty persons who had induced them to violate the law. It was no imputation on those who administered the law that those parties were not here, as we are aware that the vessel had gone across the sea. He concurred in all that had been so eloquently said by the Attorney-General as to the policy of the law, and he concurred in the prudence and wisdom of every word of the advice which he had given to our countrymen to hold aloof from that internecine conflict in which our people in the North and South, many of them natural-born subjects of this country, were enlisted to fight in a cause in which they had no concern. Hundreds and thousands of them had fallen, “unwept, unhonoured, and unsung.” Their bones were bleaching under a foreign sun, where they had been entrapped by the hope of reward and by enormous promises. Whether these promises would be fulfilled they would see in time. There they had gone down to their graves, after hard-fought fields, upon which they had exposed their valiant breasts for men who cared not whether they lived or died, provided they could only carry out their own selfish objects (applause). He had other cause of regret in this case. He saw there those young men, whose countenances spoke no guilt, no crime, and he did think it was a subject of deep regret that the adventurous spirit they displayed was not availed of in this country more than it was. Questions of public policy were not for the Bench, but one might even here express regret that that magnificent harbour, second to none in the world, placed in the high-road of all nations, the entrance gate of those seas which lead to the capital of the empire, to her arsenals, to her ports for her navy, to the ports of her mercantile marine—that it was not more availed of for the purpose of teaching, by practical visible examples, that under no flag in the world are such opportunities presented for the brave and the adventurous as that which floats over the British Empire; that no flag has ever floated upon the ocean beneath which so many deeds of glory have been performed, as that which waves over the subjects of Her Majesty (applause). He could wish, and he did hope, that even they might live to see the day when those waters would not lie without a burden, but that there might arise on the banks of that great bay arsenals such as existed in other places, and that the expenditure, to a certain degree, of both countries might take place here, and that the adventure and enterprise of such men as he now saw before him might be enlisted in the cause of our own Sovereign, and not directed to the army or fleet of any foreign Power in the world (loud applause). He trusted that the warning of the Attorney-General would be understood by every one, and that many would leave that place with a better opinion of British law and justice, especially when administered by men such as the distinguished gentleman he now saw before him.

The prisoners then entered into recognisances in 20*l.* each to come up for judgment if called on, and were discharged.

No. 2.

Mr. Adams to Earl Russell.—(Received April 2.)

My Lord,

Legation of the United States, London, April 2, 1864.

I HAVE had the honour to receive your note of the 31st of March, bringing to my notice an account taken from a newspaper of what passed at the trial before Mr. Justice Keogh of the British subjects indicted for taking service in the United States' ship “Kearsarge,” at Queenstown, and further requesting me to inform you whether I have any explanation to offer on the subject.

I am very happy to seize the opportunity thus offered to me to state the facts connected with that case, so far as they have been submitted to my examination.

And first, it gives me great satisfaction to apprise your Lordship that so long ago as the 26th of December last my Government, on the receipt of the first intelligence of your note to me of the 30th of November, addressed to me instructions immediately to investigate the charges against both of the officers referred to in that note, and if I found it sustained against the Consul, Mr. Eastman, to dismiss him at once without waiting for further directions; and with respect to the Commander of the “Kearsarge,” in case he was found to have been guilty, I was directed to apprise your Lordship that he would be promptly relieved of his command, and other satisfactory amends would be offered to Her Majesty's Government.

I trust that this statement will serve to convince your Lordship that so far as my

Government is concerned, it has no disposition to tolerate any act of its officers which shall be shown to have been done in contravention of the laws of this kingdom.

The reason why I have not acted under these instructions has been that I have thus far seen no evidence to justify me in doubting the statement of the Consul, Mr. Eastman, made to me, that he had no part whatever in the matter. The first intelligence he appears to have had of the men being actually on board the vessel was by a letter from Captain Winslow, reference to which is made in the letter of Rear-Admiral Jones of the 7th of December. The only testimony affecting him is that of Patrick Kennedy, merely to the effect that he saw him on board the "Kearsarge," in conversation with some of the officers. Mr. Eastman had early informed me that he did go on board to see the captain; that he found that he had gone ashore; that he did not go below, but stood conversing with the first lieutenant a little while on a subject having no relation whatever to enlistments, and that he soon returned to land. I trust your Lordship will agree with me in the opinion that the mere fact of being on board the "Kearsarge" would not justify me in suspecting the Consul of being privy to an unlawful act, in the face of his positive denial to the contrary.

With regard to his denial of the charge against Captain Winslow, it is obvious that he could have made it only upon such information as he then possessed, and his own personal belief at the time that it was correct. Even were it admitted that he had been mistaken in this averment, it does not at all follow that his affirmation respecting himself is in any way impeached.

Having thus no evidence whatever in my hands, coming either from the persons alleged to have been enlisted or from any other source, to prove Mr. Eastman's knowledge or participation in the act charged, no case seemed to exist to justify me in pursuing any investigation. At the same time I feel it my duty to add that I have been directed to communicate to your Lordship the desire of my Government that I may be furnished with any such additional proofs as may be in your possession and may be deemed to be material, should it still be the wish of Her Majesty's Government that the matter should be further pursued.

In regard to the action of the officers of the "Kearsarge," who appear to be generally involved by the language of Mr. Justice Keogh in the suspicion of being parties to a violation of the Enlistment Act, the facts, so far as I have been able to ascertain them, are these:—It appears that one James Haley, a native of Ireland, but now in the service of the United States as a petty officer on board the "Kearsarge," on or about the 2nd of November went ashore to visit his relations at Ringaskiddy. While at this place there is reason to believe that he suggested to several men whom he met the probability that they might get employment on board of the steamer. There is no evidence that he himself promised them any, nor that he had any authority whatever to do so if he did. In point of fact he could have had none. To the extent thus defined it would seem as if he might have made himself liable as having violated the spirit if not the letter of Her Majesty's laws.

The announcement thus made and soon spread abroad produced an immediate effect among the population in the vicinity, the consequence of which was that a number of men, variously estimated at from 150 to 300, went out to the ship, eagerly seeking to be employed. A few of these, being the immediate townsmen of James Haley aforesaid, appear to have been presented to Officer Thornton as applicants for enlistment, who, in the absence of the Commander and of any definite instructions, gave them reason to suppose that they might be engaged. They were therefore subjected to the usual examination, subject to the approbation of the captain on his return. To the extent here specified Officer Thornton appears to have made himself liable as having violated the spirit if not the letter of Her Majesty's law. It is proper in his case to add that he avers he was not aware at the time of the provisions of that law.

On the return of the Captain to his vessel he was consulted in regard to what had been done, and immediately gave orders not only to forbid the enlistments, but to clear the ship of all the men who had come, and further to forbid the numerous boats that were crowding around it from coming alongside. The orders were executed not without considerable difficulty, from the desire of the men to stay, and the vessel sailed.

On the next day, however, it was discovered that several men, principally the neighbours and townsmen of James Haley, of Ringaskiddy, had succeeded in escaping detection and were still on board. That these people had been concealed with the connivance of some person or persons belonging to the crew of the "Kearsarge," and in the hope of ultimately retaining them, there can be little doubt. But there is no reason to suppose that the Commander had any knowledge of or share in it. On learning the fact, his first decision was to put them ashore at Brest, the port to which he was going. This was

actually done. But on a re-consideration of the destitute condition in which they would be left, and of the probability that they might be driven to have recourse to enlistment in the vessel formerly known to your Lordship as the "Oreto," and now the "Florida," which has been notoriously fitted out from a British port and filled with British subjects, for months past carrying on war against the United States, he determined to take them on board once more, and to return to Queenstown for the purpose of restoring them in safety to their own homes. This was accordingly carried out.

The conclusion at which I arrived from an examination of the facts as they have been recited is, that no evidence is brought forward to show that Captain Winslow ever gave any authority to enlist one of these people in Queenstown or elsewhere. On the contrary, he forbade any such proceeding so soon as he knew it was contemplated, and when he found that his orders had been evaded, he took the only method in his power to repair the wrong by promptly restoring the individuals concerned to the condition from which they had been taken.

I am not however disposed to doubt that among some of those constituting the crew of the "Kearsarge" there may have been a desire to keep these men with a hope that they might ultimately be suffered to retain their places on board. But I have no reason to suppose that this motive operated upon a single one of the principal officers of the ship. Presuming that it was not the purpose to pursue these investigations further than was necessary fully to sustain the majesty of the British law, I have rested quiet in the conviction that the clearly proved absence of all intention on the part of my Government, or of any of its responsible agents, to commit an offence in the present instance, had most conclusively effected that object. If, however, it should turn out that additional measures would be agreeable to Her Majesty's Government, I shall be happy to be informed of the fact by your Lordship, as well as to receive any and all further proofs that may be in its possession, in order to enable me to arrive at a more complete and satisfactory result.

In the mean time I am instructed to inform your Lordship that my Government, in this as in any other case that may occur, will not fail to vindicate its respect for the laws of Great Britain and for the law of nations.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 3.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, April 9, 1864.

I HAVE had the honour to receive your letter of the 2nd instant, in answer to the letter in which I requested you to inform me whether you had any explanations to offer with regard to the British subjects who were indicted for taking service in the United States' ship "Kearsarge."

In reply to your letter I have only to regret that officers Thornton and Haley, who appear clearly to have violated the municipal law of this country, which they were bound to have made themselves acquainted with, should still be retained in the service of the United States.

I am, &c.
(Signed) RUSSELL.

No. 4.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, April 9, 1864.

I TRANSMIT to you herewith extracts from a deposition of one Daniel O'Connell, by which you will perceive that he declares that he was examined and sworn before or with the knowledge of officers of the United States' ship of war "Kearsarge," and furnished with the uniform of a United States' sailor.

I know not how these circumstances occurring on board a ship of war can have taken place without the knowledge of the Captain of the vessel.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 4.

Extract from Deposition of Daniel O'Connell.

A MAN that was I believe a doctor examined me, being stripped, and told me I was fit for service. I then went forward and the ship sailed next day.

* * * * *

One of the officers of the ship took me (with eight or nine of the men who had come on board at Queenstown) on shore at Brest in a boat, and when the boat had just touched the beach the officer said, "Any of you men that wish can go on there now, but if you wish you can enter on board the ship. All the men said they would enter, upon which the boat returned to the "Kearsarge," and we were all sworn to enter the United States' navy for three years at twelve dollars per month each, and our names were entered in the ship's books, and we were provided with the ship's uniform.

No. 5.

Mr. Adams to Earl Russell.—(Received April 11.)

My Lord,

Legation of the United States, London, April 11, 1864.

I HAVE the honour to acknowledge the reception of two notes from your Lordship, both dated the 9th instant.

One of these notes expresses regret that officers Thornton and Haley, of the United States' steamer "Kearsarge," who in your view appear clearly to have violated the municipal law of this country, should still be retained in the service of the United States.

The other transmits to me extracts from a deposition of one Daniel O'Connell, in further support of an inference that the Captain of the "Kearsarge" must have known of the enlistment of the Irishmen at Queenstown.

I would respectfully call your attention to the manner in which this latest testimony affects that which has been published heretofore. Edward Lynch, in his deposition taken on the 16th of November last, affirms that he went on board the "Kearsarge" in company with the said Daniel O'Connell, and that he saw the boatswain ship the said O'Connell at Queenstown after he had passed the usual inspection. This was on or about the 3rd of November. He admits that the Captain was not on board, but that he heard the Commander say to the boatswain, "I'll leave them in charge to you now." This is all the evidence that appears in any degree to implicate the first officer, here called the Commander, Mr. Thornton, in the charge of enlistment within this Kingdom.

But Daniel O'Connell himself on his side changes the whole scene of the transaction. He avers in the extract you have been pleased to furnish to me that the enlistment took place when one of the officers, whom he does not name, and who was not likely to have been Thornton, took eight or ten of the men in a boat for the purpose of landing them at Brest in France. This must have been at the time when Captain Winslow affirms that he ordered them so to be landed for the purpose of getting rid of them. It would seem that this officer, instead of obeying orders, then offered to them the choice of landing or else of enlisting, upon which they all choose the latter, returned to the vessel, and were then enlisted. This enlistment was then made in a port of France.

It necessarily follows from this exposition that if O'Connell were enlisted at Queenstown as Edward Lynch affirms, there was no enlistment of him at Brest, as O'Connell himself avers. If, on the other hand, O'Connell is right, that he was enlisted by an officer in a boat at Brest, then it is clear that there was no enlistment of him at Queenstown by officer Thornton, as alleged by Lynch. Two successive enlistments of the same man, at about the same time, are not necessary or customary in any service. On the other hand, officer Thornton himself denies that he ever enlisted anybody. He affirms that he expressed himself willing to accept the men at Queenstown, if the Captain on his return from shore should approve of the proceeding. But the Captain did not so approve, and nothing more was done about it by him.

If the officer who had charge of the boat to place the men on shore at Brest, in obedience to the order of the Captain, took the responsibility of then and there enlisting and returning them to the ship, it is plain that he must have been acting directly in the face of his authority; and, furthermore, that he was immediately disavowed by his principal, for the steamer was forthwith ordered to leave Brest and make a direct course back to Queenstown, for no other purpose than to get rid of these very men, who are said to have been enlisted for three years. The contradiction is too apparent and palpable

to permit of farther doubt as to the character of the testimony. On the other hand, Captain Winslow himself says that when he found, after leaving Queenstown, that the men who, against his orders to clear them out of the vessel, were still on board, having been secreted there, he decided upon landing them at his first stopping-place at Brest. They were landed accordingly; but upon a re-consideration of their destitute condition and of the danger of their falling into the hands of the insurgents, notoriously without scruple about enlisting the subjects of Great Britain or any other nation, he determined to take them on board again for the purpose of returning them to Queenstown, which was accordingly done with promptness and despatch.

I am constrained to believe this account to be altogether the most consistent and credible. The others conflict with each other and with probability so strongly that I trust I may be pardoned for withdrawing the little credit I have been heretofore disposed to give them.

The only remaining piece of circumstantial evidence to sustain the idea of enlistment is the admitted fact of the men having been landed, whilst dressed in the clothing of seamen in the United States' service. That such clothing was given out to them, probably with the connivance of the petty officer, whose agency first induced them to come on board, is very certain. That it was not taken away from them is alleged to be solely owing to the fact that their own clothing was in every respect unfit for them to appear in decently on board. During the period of their stay they were rated on the ship's books to make the accounts regular, and when they left it was deemed more proper to let them have the dress they had already worn for some time. Had it been thought that this liberality would be urged by your Lordship as a proof of their enlistment, nothing would have been more easy to obviate the suspicion than to return them in rags as they came.

I am not however disposed to withdraw my former admission, that in the original proceedings there is evidence of some connivance on the part of one or more of the petty officers of the "Kearsarge" in the endeavour to enlist these men in the service of the United States. That the first officer, Thornton, had any intention of the kind, I am constrained more seriously to doubt. I do not regard myself as possessed of authority to direct a pursuit of the investigation on this side of the Atlantic. But understanding it from your Lordship's note to be the wish of Her Majesty's Government that further measures should be taken to ascertain the precise nature of the action of the suspected parties, and that they should be visited with a suitable penalty if found guilty, I shall do myself the honour to communicate your wish for the consideration of my Government. I do not doubt that the proper authority will direct further proceedings to be had, in order to arrive at the precise truth, and to give just satisfaction to your Lordship in case of the proof of any offence.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

No. 6.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, April 13, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 11th instant relative to the proceedings of the officers of the United States' steamer "Kearsarge," in regard to the enlistment of British subjects for service on board that vessel.

I am, &c.
(Signed) RUSSELL.

NORTH AMERICA.

No. 12. (1864.)

Further Correspondence respecting the Enlistment of
British Seamen at Queenstown on board the United
States' ship of war "Kearsarge."

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

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NORTH AMERICA.

No. 13. (1864.)

CORRESPONDENCE

RESPECTING THE

REMOVAL OF BRITISH CONSULS

FROM THE

SO-STYLED CONFEDERATE STATES OF
AMERICA.

Presented to the House of Commons by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Removal of British Consuls from
the so-styled Confederate States of America.

No. 1.

Consul Moore to Earl Russell.—(Received June 28.)

(Extract.)

Richmond, June 9, 1863.

I HAVE the honour to inclose herewith the copy of a despatch and inclosures written by me to Lord Lyons, dated the 6th instant, from which your Lordship will gather that this Government has annulled my exequatur.

Inclosure 1 in No. 1.

Consul Moore to Lord Lyons.

(Extract.)

Richmond, June 6, 1863.

I HAVE the honour to inclose to your Lordship the copy of a letter addressed to me by Mr. Benjamin, Secretary of State, under yesterday's date, together with Letters-Patent (copy also inclosed) in the name of the President, Mr. Jefferson Davis, revoking my exequatur as Her Majesty's Consul for the State of Virginia, for the reason therein assigned, that I had corresponded with the Secretary of War here, on matters beyond my Consular jurisdiction, after receiving an intimation from the Secretary of State not to do so.

I am very happy to state that my last crowning Consular act was consummated yesterday morning before I received this ungenerous withdrawal of my exequatur, by which measure I have checked the attempted conscription of British subjects, under various pretexts, namely, for having voted, for having declared their intention of becoming citizens, for holding real estate, and for having married in the country, so that numerous British subjects got their release from captivity in a military camp yesterday, and it will stay I trust for a time this source of anxiety to them.

If I am to leave Richmond it will be absolutely necessary that this Government should allow the unshackled departure of all British subjects; and if military exigencies should be pleaded as an excuse for objecting to allow them to cross their military lines, I beg to suggest whether means could not be resorted to to have steamers sent to City Point, on the James River, for their conveyance to Baltimore or New York. There are numerous British workmen in the different Government workshops who are very anxious to leave, at their own expense, but they are refused passports.

P.S.—I also inclose copy of my answer to Mr. Benjamin.

Inclosure 2 in No. 1.

Mr. Benjamin to Consul Moore.

Sir,

Department of State, Richmond, June 5, 1863.

THE President of the Confederate States has been informed that in consequence of your assuming to act in behalf of the Government of Her Britannic Majesty on matters occurring in the State of Mississippi, you were requested to submit to this Department your Consular Commission, as well as any other authority held by you to act in behalf of Her Majesty's Government, before further correspondence could be held with you as British Consul for the port of Richmond. He has further been informed that you have not acceded to this request, and that in disregard of the legitimate authority of this Government you have again lately corresponded as Her Majesty's Consul for this port with the Secretary of War of the Confederate States. The President considers it as inconsistent with the respect which it is his office to enforce towards this Government, that you should any longer be permitted to exercise the functions or enjoy the privileges of a Consul in these Confederate States. He has consequently thought proper by the Letters-Patent of which I inclose you a copy to revoke the exequatur heretofore granted to you, and to make public these Letters-Patent.

I have, &c.

(Signed) J. P. BENJAMIN, *Secretary of State.*

Inclosure 3 in No. 1.

Letters-Patent revoking Exequatur of George Moore, Her Britannic Majesty's Consul at Richmond.

Jefferson Davis, President of the Confederate States of America,

To all whom it may concern.

WHEREAS, George Moore, Esquire, Her Britannic Majesty's Consul for the port of Richmond and State of Virginia (duly recognized as such by the exequatur issued by a former Government, which was at the time of the issue the duly authorized agent for that purpose of the State of Virginia), did recently assume to act as Consul for a place other than the city of Richmond, and a State other than the State of Virginia, and was, thereupon, on the 20th day of February last, 1863, requested by the Secretary of State to submit to the Department of State his Consular Commission, as well as any other authority he may have received to act in behalf of the Government of Her Britannic Majesty, before further correspondence could be held with him as Her Majesty's Consul at the port of Richmond, and whereas the said George Moore has lately, without acceding to said request, entered into correspondence as Her Majesty's Consul with the Secretary of War of these Confederate States, thereby disregarding the legitimate authority of this Government.

These, therefore, are to declare that I do no longer recognize the said George Moore as Her Britannic Majesty's Consul in any part of these Confederate States, nor permit him to exercise or enjoy any of the functions, powers, or privileges allowed to the Consuls of Great Britain. And I do wholly revoke and annul any exequatur heretofore given to the said George Moore by the Government which was formerly authorized to grant such exequatur as agent of the State of Virginia, and do declare the said exequatur to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent, and the seal of the Confederate State of America to be hereunto affixed.

Given under my hand this fifth day of June, in the year of our Lord one thousand eight hundred and sixty three.

(Signed) JEFFERSON DAVIS.

By the President,

(Signed)

J. P. BENJAMIN, *Secretary of State.*

Inclosure 4 in No. 1.

Consul Moore to Mr. Benjamin.

Sir,

Richmond, June 6, 1863.

I HAVE the honour to acknowledge your communication of yesterday's date, transmitting to me the Letters-Patent of the President, revoking my exequatur as Her Britannic Majesty's Consul for the State of Virginia.

Without commenting upon this act, I simply acknowledge its reception, which I will communicate to my Government by the first opportunity.

I have, &c.
(Signed) GEO. MOORE.

No. 2.

Lord Lyons to Earl Russell.—(Received June 28.)

(Extract.)

Washington, June 16, 1863.

MR. MOORE arrived here yesterday, and delivered to me a despatch dated the 6th instant, reporting that his exequatur had been withdrawn by Mr. Davis, which he had intended to forward to me by a messenger if the Confederate authorities had allowed him to send one. A copy of it goes to your Lordship to-day inclosed in a despatch which Mr. Moore addressed to you on the 9th instant, and which he brought here with him.

I do myself the honour to transmit to your Lordship copies of the following papers which have been delivered to me by Mr. Moore:—

1. Despatch from Mr. Moore to me reporting arrangements made by him for the protection of British subjects;

2. Despatch from Mr. Moore to me informing me of the intention of Mr. Acting Consul Walker with regard to the objections raised in his case by Mr. Benjamin, inclosing a copy of the despatch to your Lordship No. 23 above mentioned, and asking my leave to quit Richmond;

3. Despatch from Mr. Moore to me explaining his reasons for leaving Richmond without waiting for an answer from me, and expressing his wish to go on immediately to England;

4. Letter from the Confederate Adjutant-General to the Commandant of Conscripts at Macon, Georgia, containing instructions respecting the liability of foreigners to conscription;

5. Letter from Mr. Benjamin to the French Consul at Richmond, informing him that the President of the Confederate States has determined to permit no direct communication between Consuls in those States and the functionaries of their Governments residing within the "enemy's lines;"

6. An extract from the Richmond newspaper "Sentinel," containing a copy of a despatch from Mr. Benjamin to Mr. Mason, stating the reasons for the withdrawal of Mr. Moore's exequatur, and for forbidding direct communication between Consuls in the Confederate States and the Legations in the United States. Mr. Mason is instructed to communicate this despatch to your Lordship.

I do not purpose to make any endeavour to alter the arrangements which Mr. Moore has made for the protection of British subjects. M. Mercier hastened to assure me that he should be happy to instruct M. Paul, the French Consul at Richmond (who happens to be at this moment at Washington) to take charge of the British Consulate on his return to his post. I have not, however, thought it advisable to accept this offer. It is doubtful whether the Confederate authorities would recognize such an arrangement. Indeed, the fact—of which they could not be kept in ignorance—that it had been made by the British and French Ministers at Washington would no doubt induce them to object to it; and at all events they would not, it is to be presumed, allow M. Paul to interfere in any matters not pertaining to the precise district to which the jurisdiction of the Consulate of which he was in charge extended. Mr. Moore is himself confident that the arrangement he has made will be in practice much more advantageous to British subjects than placing them under the protection of any foreign Consul. I think it therefore better that this matter shall remain as Mr. Moore has left it, until your Lordship issues orders concerning it.

It is plain that Mr. Moore's returning to Richmond would be of no service whatever to British interests; I have therefore told him that I see no objection to his going to England as he wishes. He intends to embark in a few days.

I think that so far as this Legation is concerned, it would be an advantage that its connection with the Consular Officers in territory held by the Confederates should be dissolved. The communication is so slow and uncertain that intelligence seldom reaches me from those officers in time to be of any value. For the same reason they cannot obtain special instructions from me in any sudden contingency, while general instructions to them would be sent with much greater advantage from the Foreign Office than from this Legation. The communications between the Consuls in the South and the Legation have always tended to give rise to suspicion in the United States; they have now been denounced as offensive by the Confederate authorities. Your Lordship will observe that notwithstanding my repeated instructions to the Consuls never to allude to me or to the Legation in their communications with those authorities, and notwithstanding the care which has been taken at your Lordship's office to address instructions to the Consuls directly instead of desiring me to transmit them, Mr. Benjamin in his despatch to Mr. Mason dwells on the connexion between the Consuls and this Legation as the main reason for the measures which Mr. Davis has adopted.

There was one great advantage in the existing arrangement which can hardly be said to exist any longer. We had for some time Consuls at the Southern ports recognized as such by both belligerents, and this was convenient in cases in which ports in the South were attacked by the Federals. I have not heard of any objection having been made by the Confederates to Mr. Fullarton as Acting Consul at Savannah, but the recognition by them of Mr. Walker as Acting Consul at Charleston and of Mr. Cridland as Acting Consul at Mobile appears to be very doubtful; and even supposing all these Acting Consuls to be recognized, the Confederate authorities will still refuse to allow them to interfere in behalf of British subjects beyond the exact limits to which the jurisdiction of the respective Consulates extends, and this will leave the greater part of the British subjects in the Confederate States without protection.

Inclosure 1 in No. 2.

Consul Moore to Lord Lyons.

My Lord,

Richmond, June 9, 1863.

I HAVE the honour to state that as the exigencies of the public service here are such that they cannot be abruptly broken off without the most serious detriment to British subjects resident in the Southern States, I have deemed it expedient without loss of time to adopt the following measure for the protection of Her Majesty's subjects. I have issued the following notice in the local newspapers, namely:—

“NOTICE TO BRITISH SUBJECTS.—British subjects requiring professional advice connected with questions of their nationality are recommended by Mr. George Moore, late Her Britannic Majesty's Consul for the State of Virginia, to apply to Mr. G. A. Myers, Attorney-at-law, on 12th, between Capitol and Broad Streets, Richmond.”

Mr. Myers is a very competent person, to whom British interests can be most implicitly confided, and I have no hesitation in assuming any degree of responsibility in recommending this gentleman as the keeper of the archives of this Consulate, and custodian of British interests, until ulterior arrangements can be determined upon. Mr. Myers stands high in the estimation of every Member of the Administration here, and he is one of the most prominent and respectable citizens of Richmond. The assistance which he has rendered to this Consulate is such that I believe the business of this office could never have been conducted with satisfactory result without his friendly and gratuitous aid, which Mr. Cridland, I know, proposes to represent to Her Majesty's Government.

Under the circumstances I trust that the present arrangement and my prospective suggestion will meet with your Lordship's concurrence.

I have, &c.
(Signed) GEO. MOORE.

Inclosure 2 in No. 2.

Consul Moore to Lord Lyons.

My Lord,

Washington, June 16, 1863.

SINCE I had the honour of addressing your Lordship from Richmond, I have orally explained the reasons which induced me to appear before you personally without awaiting your Lordship's instructions, in consequence of the unexpected order issued by Mr. Benjamin, the Secretary of State of the so-styled Confederate States, prohibiting all further direct communications "between the Consuls of neutral nations in the Confederacy and the functionaries of those nations residing in the North."

Therefore as my exequatur as Consul for the State of Virginia has been annulled, I propose (if it should meet with your Lordship's concurrence) to proceed forthwith to England, and report myself to Earl Russell.

I also have the honour of inclosing herewith the copy of a communication dated Confederate States of America, Bureau of Conscription, Richmond, Virginia, May 22, 1863, addressed to the Commandant of Conscripts, Macon, Georgia, on the subject of persons who are not held as liable to conscription.

I have, &c.
(Signed) GEO. MOORE.

Inclosure 3 in No. 2.

Colonel Lay to the Commandant of Conscripts, Macon, Georgia.

Sir,

Bureau of Conscription, Richmond, Va., May 22, 1863.

THE letter of Colonel Weems of the 24th March ultimo, to Lieutenant S. J. Perry, has been forwarded to this bureau. The opinion expressed by him that "foreigners who have purchased real estate thereby declare their domicil in the Confederate States, and are subject to conscription, notwithstanding the protection given them in their Consulate papers," is not concurred in by this bureau and cannot be sustained upon principle and authority; nor is it in conformity with the rules laid down, General Order No. 82 of 1863. That order does not prescribe any new rule in relation to domicil. It merely declares what is well settled and familiar law upon the subject. It mentions that "the declarations of the party, the exercise of the rights of citizenship, marriage, and the acquisition of real estate, are the principal evidences of intention to remain;" but it nowhere declares that either one of these is conclusive of the fact. Yet such is your decision. A party may have made declarations upon the subject so at variance with his acts and with the circumstance attending his residence as to require the declarations to be disregarded or respected. So marriage of itself, unless there be other proof of residence and intention to remain and abandon the former domicil, is not sufficient. Instances are not wanting of Diplomatic Agents intermarrying with the women of the country to which they have been accredited, and continuing for years afterwards in the discharge of their official duties. No one ever supposed that by such an act the Ambassador or other Diplomatic Agent renounced either his domicil or nationality. A foreigner may exercise the highest act of citizenship, the right of suffrage, without changing his domicil or losing his original citizenship. If the act be done either in ignorance or fraud of the law his status is not thereby changed. And so he may acquire and purchase real estate. In some of the States laws have been passed in pursuance of Treaty stipulations which enable foreigners to purchase, hold, transmit and inherit real estate. In most of the States a foreigner cannot hold real estate without making a declaration of his intention to become a citizen. In such States a foreigner may purchase real estate without making the required oath or declaration. The property may be liable to escheat, and upon proper proceedings had he may lose his property, but he cannot thereby be deprived of his national character, or lose his right as a citizen of a foreign country. Again, a foreigner might in ignorance of the law forbidding him to hold real estate become a purchaser of it; in such a case it could not with propriety be said, that he intended by the act of purchase to change his domicil. The fact of such a purchase is reconcileable with the most decided purpose not to change his domicil. A man is presumed to hold his domicil of nativity until another is obtained, and to constitute this change the fact and intention must concur. It is extremely difficult, if not impossible, to prescribe the circumstances which shall in every case be taken as satisfactory proof of intention to change the domicil.

But whatever the character of the evidence may be it must be such as to satisfy the

mind fairly and reasonably that the party has not only changed his domicile in point of fact, but that he so intended.

Brigadier-General Rains, Superintendent of Conscription, has directed me to issue the foregoing instructions for your information and guidance.

Very respectfully, &c.

(Signed) G. W. LAY.

Inclosure 4 in No. 2.

Mr. Benjamin to M. Paul.

Sir,

Department of State, Richmond, June 10, 1863.

IT becomes my duty to inform you that the President has determined to permit no direct communication between Consuls and Consular Agents of foreign countries residing within the Confederacy and the functionaries of such foreign Governments, residing in the enemy's lines. The passage in future of Consular couriers, messengers, or of Consuls or of Consular Agents themselves, through the Confederate lines to the enemy, is accordingly prohibited, and foreign officials will be allowed to communicate with their Governments only directly or through neutral countries.

I am, &c.

(Signed) J. P. BENJAMIN.

Inclosure 5 in No. 2.

Extract from the "Richmond Sentinel" of June 12, 1863.

DESPATCH TO MR. MASON.—We publish, by official consent, the following despatch of the Secretary of State of the Confederate States to Mr. Mason, our Commissioner to England.

It makes known the causes of the late revocation of the exequatur of the British Consul at this port, and in doing so takes occasion to explain the general grounds of the President's action, and the views which govern the policy which he is firmly and steadily pursuing.

It will be seen that the Confederate Government is held by the President to be the agent of the States for certain purposes; that it is the successor of a similar agent whose acts while its authority existed were valid; and that succeeding to the trust, the Confederate authorities are bound to respect all constitutional acts performed by the former agent with the consent of the State concerned. Hence, argues the Secretary, "when Virginia seceded, withdrew the powers delegated to the Government of the United States, and conferred them on this Government, the exequatur granted to Consul Moore was not thereby invalidated." Being the act of Virginia, through her agent, in the first instance, it remained her act though her agent had been changed.

This is manifestly the true State Rights doctrine. It would be monstrous if when a State selects a new agent to attend thenceforth to certain interests this new servant should begin by treating as null and void whatever she might have done through her former one. This would be to assume that the sovereign authority lies in the temporary agent rather than in the abiding State. The view of the President will commend itself to the hearty approbation of the people, who will see in it another proof of the scrupulous respect which he pays to the rights of the States and the established principles of our Government.

The letter to Mr. Mason shows also that the President has acted in good faith on his opinion as to the validity of existing exequaturs. He has not sought difficulties with the Consuls or revoked their exequaturs with any idle and mistaken view of extorting recognition from European Powers. He has conceded to foreigners all their international rights, and has cultivated the spirit of amity with other nations so far as consistent with our own honour and dignity. England is no exception to this remark.

We are fully persuaded that the foreign policy of the President, as exhibited in the letter to Mr. Mason, will receive the warm approval and support of the Confederate people. Some there may be who would prefer rash and violent counsels, but the great mass of our citizens will approve the steady course which, unmoved by thoughtless clamour, the President has pursued. They will be discerning enough to see that it is much better and far more creditable to us for our international affairs thus to be

conducted with dignity and in decent temper, and that it would but expose us to ridicule to dismiss a few foreign Consuls from our beleaguered ports, and withdraw the Agents whom for our own interest and convenience we have sent to Europe, in the childish expectation that we should thereby intimidate and coerce Europe to recognize our independence. The day for such fancies has past. What the great need for our cotton cannot do for us, the dismissal of a few petty Consuls will hardly accomplish.

Sir,

Department of State, Richmond, June 6, 1863.

HEREWITH you will receive copies of the following papers:—

(A.) Letter of George Moore, Esq., Her Britannic Majesty's Consul in Richmond, to this Department, dated 16th February, 1863.

(B.) Letter from the Secretary of State to Consul Moore, 20th February, 1863.

(C.) Letters-Patent by the President, revoking the exequatur of Consul Moore, 5th June, 1863.

(D.) Letter inclosing to Consul Moore a copy of the Letters-Patent revoking his exequatur.

It is deemed proper to inform you that this action of the President was influenced in no small degree by the communication to him of an unofficial letter of Consul Moore, to which I shall presently refer.

It appears that two persons named Molony and Farrell, who were enrolled as conscripts in our service, claimed exemption on the ground that they were British subjects, and Consul Moore, in order to avoid the difficulty which prevented his corresponding with this Department, as set forth in the paper (B), addressed himself directly to the Secretary of War, who was ignorant of the request made by this Department for the production of the Consul's commission. The Secretary of War ordered an investigation of the facts, when it became apparent that the two men had exercised the right of suffrage in this State, thus debarring themselves of all pretext for denying their citizenship; that both had resided here for eight years, and had settled on and were cultivating farms owned by themselves. You will find annexed the Report of Lieutenant-Colonel Edgar, marked (E), and it is difficult to conceive a case presenting stronger proofs of the renunciation of native allegiance, and of the acquisition of *de facto* citizenship, than are found in that Report. It is in relation to such a case that it has seemed proper to Consul Moore to denounce the Government of the Confederate States to one of its own citizens as being indifferent "to cases of the most atrocious cruelty." A copy of his letter to the Counsel of the two men is annexed, marked (F).

The earnest desire of this Government is to entertain amicable relations with all nations, and with none do its interests invite the formation of closer ties than with Great Britain. Although feeling aggrieved that the Government of Her Majesty has pursued a policy which, according to the confessions of Earl Russell himself, has increased the disparity of strength which he considers to exist between the belligerents, and has conferred signal advantage on our enemies, in a war in which Great Britain announces herself to be really and not nominally neutral, the President has not deemed it necessary to interpose any obstacle to the continued residence of British Consuls within the Confederacy by virtue of exequaturs granted by the former Government. His course has been consistently guided by the principles which underlie the whole structure of our Government. The State of Virginia having delegated to the Government of the United States by the Constitution of 1787 the power of controlling its foreign relations, became bound by the action of that Government in its grant of an exequatur to Consul Moore. When Virginia seceded, she withdrew the powers delegated to the Government of the United States and conferred them on this Government; the exequatur granted to Consul Moore was not thereby invalidated. An act done by an agent while duly authorized continues to bind the principal after the revocation of the agent's authority. On these grounds the President has hitherto steadily resisted all influences which have been exerted to induce him to exact of foreign Consuls that they should ask for an exequatur from this Government as a condition of the continued exercise of their functions. It was not deemed compatible with the dignity of the Government to extort, by enforcing the withdrawal of national protection from neutral residents, such inferential recognition of its independence as might be supposed to be implied in the request for an exequatur. The Consuls of foreign nations, therefore, established within the Confederacy, who were in possession of an exequatur issued by the Government of the United States prior to the formation of the Confederacy, have been maintained and respected in the exercise of their legitimate functions, and the same protection and respect will be accorded to them in future, so long as they confine themselves to the sphere of their duties, and seek

neither to evade nor defy the legitimate authority of this Government within its own jurisdiction.

There has grown up an abuse, however, the result of this tolerance on the part of the President, which is too serious to be longer allowed. Great Britain has deemed it for her interest to refuse acknowledging the patent fact of the existence of this Confederacy as an independent nation. It can scarcely be expected that we should, by our own conduct, imply assent to the justice or propriety of that refusal. Now that the British Minister accredited to the Government of our enemies assumes the power to issue instructions and exercise authority over the Consuls of Great Britain residing within this country, nay, even of appointing agents to supervise British interests in the Confederate States, this course of conduct plainly ignores the existence of this Government, and implies the continuance of the relations between that Minister and the Consuls of Her Majesty resident within the Confederacy which existed prior to the withdrawal of these States from the Union. It is further the assertion of a right, on the part of Lord Lyons, by virtue of his credentials as Her Majesty's Minister at Washington, to exercise the power and authority of a Minister accredited to Richmond, and officially received as such by the President. Under these circumstances, and because of similar action by other Ministers, the President has felt it his duty to order that no direct communication be permitted between the Consuls of neutral nations in the Confederacy and the functionaries of those nations residing within the enemy's country. All communication, therefore, between Her Majesty's Consuls or Consular Agents in the Confederacy and foreign countries, whether neutral or hostile, will hereafter be restricted to vessels arriving from or dispatched for neutral ports. The President has the less reluctance in imposing this restriction because of the ample facilities for correspondence which are now afforded by the fleets of Confederate and neutral steam-ships engaged in regular trade between neutral countries and the Confederate ports. This trade is daily increasing in spite of the paper blockade which is upheld by Her Majesty's Government, in disregard, as the President conceives, of the rights of this Confederacy, of the dictates of public law, and of the duties of impartial neutrality.

You are instructed by the President to furnish a copy of this despatch, with a copy of the papers appended, to Her Majesty's Secretary of State for Foreign Affairs.

I am, &c.

(Signed) J. P. BENJAMIN, *Secretary of State.*

Hon James M. Mason,
Commissioner, &c., &c., London.

No. 3.

Acting Consul Cridland to Earl Russell.—(Received August 30.)

My Lord,

Mobile, June 15, 1863.

I HAD the honour to report to your Lordship that I had arrived in this city, and after getting possession of the seals and archives of this Consulate, had entered on my duties as Acting Consul.

On the 2nd of June, according to the desire of Lord Lyons, M. Portz, French Vice-Consul, introduced me to the naval and military authorities here, having jurisdiction in this Department, and exhibited to those officers a despatch from Lord Lyons, dated April 30th, which I had presented to M. Portz on my arrival, informing that gentleman of my acting appointment, and asking him to deliver to me the archives and seals of office, and to introduce me to the authorities.

The General commanding informed me that he would issue orders in regard to my official acts at Mobile. Her Majesty's Consulate remained open from the 29th of May to the 7th instant, and my official acts were evidently respected. On the 7th of June, however, a letter was left at this office from the military head-quarters of this district, dated that day, informing me that the orders issued on the 2nd June recognizing me as Acting British Consul had been revoked, and requesting me to suspend the exercise of all Consular functions.

I have the honour to inclose a copy of that letter, dated June 7th, and of my answer thereto, dated June 8th.

On Saturday the 13th instant Colonel Garner, Chief of the Staff of the Major-General commanding in Alabama, delivered to me a letter dated June 7, addressed to me by Mr. Benjamin, Secretary of State at Richmond, a copy of which I beg to inclose for your Lordship's inspection, and also a copy of my answer to Mr. Benjamin, dated June 13.

In that despatch your Lordship will see that I was not only informed by Mr. Benjamin that I could not be permitted to exercise Consular functions at Mobile, but that I was further requested to remove from the State of Alabama.

I beg to inform your Lordship that at the unofficial interview with Mr. Benjamin on the 18th of May he remarked to me after what I stated to him, and which I have recapitulated in my reply to his letter, that he was perfectly aware that as Acting Consul to Mobile I did not require a commission, and consequently could have no exequatur, all of which he seems to have since forgotten, and desires to convey the idea that he was not aware of my appointment as Acting Consul.

I felt that I had no authority to show Mr. Benjamin Lord Lyons' letter addressed to M. Portz.

In a private note to Mr. Benjamin I have asked permission to remain at Mobile till I can hear from Lord Lyons in regard to the disposal of the seals and archives of the office, and I am now awaiting a reply.

I have the honour to state that I have reported the entire case to Lord Lyons, and inclosed copies of the correspondence.

Requesting instructions from your Lordship.

I have, &c.
(Signed) FRED. J. CRIDLAND.

Inclosure 1 in No. 3.

Colonel Garner to Acting Consul Cridland.

*Head Quarters, Department of the Gulf,
Mobile, Alabama, June 7, 1863.*

Sir,

THE Major-General Commanding directs me to revoke the letter from these headquarters of the 2nd instant, addressed to G. M. Parker, Provost Marshal, Mobile, Alabama, recognizing you as Acting British Consul, and as such entitled to all the privileges enjoyed by Mr. James Magee.

You will please, therefore, suspend the exercise of all Consular functions.

Very respectfully, &c.

(Signed) GEO. G. GARNER, *Chief of Staff.*

Inclosure 2 in No. 3.

Acting Consul Cridland to Colonel Garner.

Sir,

Mobile, June 8, 1863.

I HAVE the honour to acknowledge the receipt of your communication of the 7th instant, informing me that the Major-General commanding has directed you to revoke the letter issued from your head-quarters on the 2nd instant, addressed to the Provost-Marshal of Mobile, Alabama, recognizing me as Acting British Consul; further, directing me to suspend the exercise of all Consular functions.

Due notice is taken of the Major-General's instructions and request.

I am, &c.

(Signed) FRED. J. CRIDLAND.

Inclosure 3 in No. 3.

Mr. Benjamin to Acting Consul Cridland.

Sir,

Department of State, Richmond, June 8, 1863.

HAVING been informed through Admiral Buchanan that you have been introduced to him as Acting English Consul at Mobile, and have shown him an official document signed by Lord Lyons appointing you to that office, you are informed that you cannot be permitted to exercise the functions of that office under that appointment.

As you informed this Department that you were going to Mobile to look after British interests unofficially, and failed to communicate the fact that you were bearer of an appointment from Lord Lyons, it is deemed best to avoid any misunderstanding on the

subject by requesting you to select some other residence within the Confederacy than the State of Alabama.

I am, &c.
(Signed) J. P. BENJAMIN.

Inclosure 4 in No. 3.

Acting Consul Cridland to Mr. Benjamin.

Sir,

Mobile, June 13, 1863.

I HAVE the honour to acknowledge the receipt of your communication of the 8th instant, stating that you have been informed, through Admiral Buchanan, that I had been introduced to him as Acting English Consul at Mobile, and had shown him an official document, signed by Lord Lyons, appointing me to that office, and informing me that I cannot be permitted to exercise the functions of that office under that appointment.

Stating further, that as I had informed your Department that I was going to Mobile to look after British interests unofficially, and had failed to communicate the fact that I was the bearer of an appointment from Lord Lyons, it is deemed best to avoid any misunderstanding on the subject by requesting me to select some other residence within the Confederacy than the State of Alabama.

In reply to the above I beg to state that, according to the request of Lord Lyons, I did on my arrival here deliver a letter to M. Portz, French Vice-Consul and late Acting British Consul, stating that Her Majesty's Government had directed me to take charge of Her Majesty's Consulate at Mobile with the character of Acting Consul, and asking M. Portz to be so kind as to present me to the local authorities, and to assist me in entering upon my functions as Her Majesty's Acting Consul at Mobile.

With regard to the last paragraph of your communication, I am under the impression and belief that at the interview with yourself on the 18th of May, I informed you that as the Richmond papers had stated that I was going "to Mobile with a full Consul's commission in my pocket and an exequatur from the United States' Government," I came to deny that statement, and to inform you that I was going to Mobile to do what Mr. Magee had previously done as Acting Consul, and that I had a letter to M. Portz from Lord Lyons, asking that gentleman to deliver the archives of the Consulate to me. As the letter of Lord Lyons was not addressed to me I did not call it a commission.

Your request for me to select some other residence within the Confederacy than the State of Alabama will of course be duly attended to.

I am, &c.
(Signed) FRED. J. CRIDLAND.

No. 4.

Earl Russell to Acting Consul Cridland.

Sir,

Foreign Office, September 8, 1863.

IN reply to your despatch of the 11th of July, I have to instruct you to ask leave to be allowed to remain at Mobile, but if you are not allowed to do so, you will go to Richmond and there await instructions.

I am, &c.
(Signed) RUSSELL.

No. 5.

Mr. Stuart to Earl Russell.—(Received September 14.)

(Extract.)

Washington, August 29, 1863.

I HAVE the honour to forward to your Lordship the accompanying copies of five despatches from Mr. Cridland, reporting his arrival at Mobile, and the subsequent refusal of the Confederate authorities to permit him to exercise his Consular functions or even to reside in the State of Alabama.

Your Lordship will perceive that Mr. Cridland eventually succeeded in obtaining permission from the Secretary of State at Richmond to remain at Mobile until Her Majesty's Government shall have had time to consider the whole subject,—a month or two from the 3rd of July being the time within which Mr. Benjamin supposed that Mr. Cridland might receive instructions from your Lordship.

The question having been referred to your Lordship, Lord Lyons considers it unadvisable that any instructions should be sent from hence to Mr. Cridland. His Lordship has, however, observed to me that he has always been most anxious that his name or that of this Legation should not be employed in any communications made to the Confederate authorities by Her Majesty's Consular Agents in the South, and in instructing Mr. Consul Moore to send Mr. Cridland to Mobile, he expressly desired that the letter of appointment should be made out by Mr. Moore as emanating from Her Majesty's Government instead of from Washington.

Inclosure 1 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, May 28, 1863.

I HAVE the honour to report to your Lordship that I arrived at the port of Mobile on the 27th instant, and entered on my duties as British Acting Consul this day.

I delivered your Lordship's letter of the 30th April to M. Portz, who at once made over to me the archives and the seals of the office.

Not having as yet had the occasion to communicate with the local or so-called Confederate authorities, I cannot now report to your Lordship whether my requests will meet with a favourable consideration or not at their hands.

I have, &c.
(Signed) F. J. CRIDLAND.

Inclosure 2 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, June 8, 1863.

ON the 28th of May I had the honour to report to your Lordship that I had entered on my duties as British Acting Consul at this port.

On the 2nd instant, in accordance with your Lordship's request, M. Portz, French Vice-Consul, introduced me to the naval and military authorities here having jurisdiction in this Department, and exhibited to General Maury and Admiral Buchanan your Lordship's despatch dated April 30, which I had presented to M. Portz on my arrival.

The interviews were quite pleasant, and General Maury informed me that he would issue orders in regard to my official acts at Mobile.

Her Majesty's Consulate remained open all last week, and my official acts were evidently respected.

Yesterday a communication was left at the Consulate from the military headquarters of this Department, dated 7th June, a copy of which I beg to inclose herewith, and also of my answer thereto dated this day.

General Maury has informed me unofficially that the orders had come from Richmond.

By the communication received yesterday, your Lordship will perceive that my Consular functions are now suspended. I continue to attend as usual in the office, and inform British subjects of the fact.

Awaiting instructions from your Lordship for my future guidance, I have, &c.

(Signed) F. J. CRIDLAND.

Inclosure 3 in No. 5.

Colonel Garner to Acting Consul Cridland, June 7, 1863.

[See Inclosure 1 in No. 3.]

Inclosure 4 in No. 5.

Acting Consul Cridland to Colonel Garner, June 8, 1863.

[See Inclosure 2 in No. 3.]

Inclosure 5 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, June 13, 1863.

I HAVE the honour to place before your Lordship the copy of a letter dated the 8th instant, addressed to me by Mr. Benjamin, Secretary of State of the so-called Confederate States, and which was delivered to me this morning open, by order of General Maury, the Military Commandant of this Department, informing me that I cannot be permitted to exercise Consular functions at Mobile, and further requesting me to remove from this State.

In my despatch to your Lordship dated June 8, I reported all that had taken place on my being introduced by M. Portz to the authorities, and of what had occurred up to the date of that despatch.

I have also the honour to inclose herewith a copy of my reply to Mr. Benjamin's communication dated to-day, and have only further to state that at the unofficial interview with that gentleman on the 18th of May, he remarked to me, after what I stated to him, and which I have recapitulated in my reply to his letter, that he was perfectly aware that as Acting Consul to Mobile I did not require a Commission, and consequently could have no exequatur, all of which he seems to have since forgotten, and desires to convey the idea that he was not aware of my appointment as Acting Consul. I felt that I had no authority to show him your Lordship's letter to M. Portz.

I have addressed a private note to Mr. Benjamin requesting permission to remain here till I can hear from your Lordship in regard to the disposal of the seals and archives of the Consulate, and now await his reply, which I will also place before your Lordship.

I have, &c.

(Signed) FRED. J. CRIDLAND.

Inclosure 6 in No. 5.

Mr. Benjamin to Acting Consul Cridland, June 8, 1863.

[See Inclosure 3 in No. 3.]

Inclosure 7 in No. 5.

Acting Consul Cridland to Mr. Benjamin, June 13, 1863.

[See Inclosure 4 in No. 3.]

Inclosure 8 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, June 25, 1863.

IN my despatch dated 13th instant I had the honour to inform your Lordship that with my reply to Mr. Benjamin's letter of the 8th of June, I had in a private note requested permission to remain in Mobile till I could obtain instructions from your Lordship with regard to the disposal of the archives of this Consulate.

Mr. Benjamin has replied to my note, but unfavourably, so that I am packing up the papers of this office and will place them in the hands of one of the most respectable and discreet persons in this city, M. Wauroy, the Dutch Consul.

The following are Mr. Benjamin's words in reply to my request:—

"You need not hurry at all to leave Mobile, but it is desirable that your stay there should be limited, as the local authorities may be misled by your remaining there, and

difficulties may arise. It is solely to avoid such difficulties that you were requested not to continue your residence there."

I have, &c.
(Signed) FRED. J. CRIDLAND.

Inclosure 9 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, July 11, 1863.

IN a despatch dated the 25th June last, I had the honour to inform your Lordship that the authorities at Richmond had refused me permission to remain here till I could receive instructions from your Lordship with regard to the disposal of the archives of this Consulate.

On that same date, however, I again asked for the permission, stating that foreseeing the difficulty of obtaining instructions in the case from your Lordship, I had applied for the same to Earl Russell.

I have received a reply from Mr. Benjamin, a copy of which I have forwarded to Earl Russell, and now submit the same to your Lordship.

I have, &c.
(Signed) FRED. J. CRIDLAND.

Inclosure 10 in No. 5.

Mr. Benjamin to Acting Consul Cridland.

Dear Sir,

Richmond, July 3, 1863.

UNDER the circumstances mentioned in your private letter of the 25th ultimo just received, your continued residence in Mobile will not be disturbed until your Government has had time to make such disposal of the whole subject as may seem best to it.

I doubt not that instructions will arrive in a month or two.

Yours, &c.
(Signed) J. P. BENJAMIN.

No. 6.

Lord Lyons to Earl Russell.—(Received October 29.)

My Lord,

Washington, October 16, 1863.

I HAVE the honour to inclose an extract from the "New York Herald" of the 12th instant, containing a summary, quoted from a Southern newspaper, of a correspondence which would appear to have taken place between Mr. Acting Consul Fullarton and the Governor of the State of Georgia, respecting the claim of the State to force British subjects to serve in its Militia.

I have no other information respecting this correspondence.

I have, &c.
(Signed) LYONS.

Inclosure in No. 6.

Extract from the "New York Herald" of October 12, 1863.

BRITISH SUBJECTS DRAFTED FOR MILITARY SERVICE IN REBEL STATES ORDERED TO THROW DOWN THEIR ARMS.—GEORGIA AND GREAT BRITAIN.—A Mr. Fullarton, who dates letters from the British Consulate at Savannah, who signs himself "Acting Consul," and who informs the Governor of Georgia that he has "submitted his authority to act as British Consul to Mr. Benjamin, who duly accorded to him his approval and recognition," has had the audacity to give formal intimation to Governor Brown that he has advised those residents of Georgia who claim to be British subjects, and who are or may be drafted into the Militia under the late call, that if they are required "to leave their

immediate homes" or "to meet the United States' forces in actual conflict," in such event they should "throw down their arms."

Mr. Fullarton goes farther than this. While admitting the duty of British residents to defend their homes against "invasion by a foreign Power," he adds, "but not in a civil war like that which now rages on this Continent." Mr. Fullarton has considered the matter, and has judged and concluded,—and coolly informs the Governor of Georgia of his conclusion,—that Georgia is still a portion of the United States, and is engaged in a civil war against fellow-citizens of other States.

Here we must remark that Mr. Fullarton could not possibly judge or conclude otherwise. He, as Acting British Consul in Savannah, is not accredited by his Government to our Government; he knows nothing of our Government; if he has any credentials at all they are addressed to Mr. Lincoln's Government at Washington; and Mr. Benjamin acting (we must presume) for that Government at Washington, has approved and recognized Mr. Fullarton. Here we are in the habit of regarding Mr. Benjamin as Secretary of State for the Confederacy; but British Consuls and their Government know him only as a kind of agent for Mr. Lincoln, doing Mr. Seward's business here for the time the "civil war" may last.

We desire to know—and the country will demand to know—what "authority was submitted" by Fullarton to Mr. Benjamin, and which the latter found so satisfactory, and upon which he "approved and recognized" a person who is to reside in Savannah and protect the residents of Georgia against the laws of the State, and inform the Governor of Georgia that he is a rebel, waging civil war against his own Government, and advise a certain portion of the Georgia Militia to throw down their arms if they are expected to defend their State against the enemy. Was that authority thus submitted to Mr. Benjamin an appointment by Mr. Molyneux, the former Consul at Savannah? or was it a letter from Lord Lyons, the British Minister at Washington? or was it an exequatur granted by Mr. Seward at Washington? All we know for certain is, that it was not any regular appointment of a Consul accredited to the Confederate States.

One cannot but admire the patience and courtesy of Governor Brown in dealing with this most insolent "Acting Consul." But he does not recede an inch from his position, and the abstract which we append of the essential parts of the correspondence will satisfy our readers that the dignity of the Confederacy and of the State are safe in the hands of Governor Brown.

Under date of the 22nd July Mr. Fullarton writes the first letter from the "British Consulate" demanding the exemption of British subjects from the duty of defending the place of their residence, unless against foreign Powers. Here is an extract:—

"Her Majesty's Government acknowledge the right of a foreign State to claim the services of British subjects resident within its limits, for the purpose of maintaining internal order—in other words, to act as a local police force, and even, to a limited extent, to defend against local invasion by a foreign Power the places of their residence; but they deny the claim to service beyond this, and accordingly I have given advice in the following sense to British subjects who have applied to me on the subject of this draft—that militia duty is in general an obligation incident to foreign residence, and that therefore they must not object to render the service required so long as the law requires a militia organization for the maintenance of internal peace and order. But if it shall so happen that the militia, after being so organized, shall be brought into conflict with the forces of the United States, without being turned over to the Confederate States, so as to form a component part of its armies, or if it should be so turned over, in either event the service required would be such as British subjects cannot be expected to perform."

On the 8th of August Governor Brown replies. Informs Mr. Fullarton that he must have misunderstood the objects of that militia force. Tells him that the enemy is preparing raids to devastate the country, and exciting insurrections of slaves. He then continues:—

"It is needless for me to add that, in case they should be successful in inciting insurrections to this point, the butchery of helpless women and children would doubtless be the result.

"As a means of accomplishing this object, as well as of destroying public and private property, the enemy is now preparing to send cavalry raids as far as possible into this and other States of the Confederacy. These robber bands will, no doubt, burn and destroy property where they go, carry off as many slaves as they can, and attempt to stir up others with whom they come in contact to insurrection, robbery, and murder.

"It is not expected that the 8,000 men called for by my Proclamation, and the General Order to which you refer, will be used against the regular armies of the United States. The provisional armies of the Confederate States have shown themselves fully

able to meet the enemy upon a hundred battle-fields, and to drive them back with severe chastisement, wherever they have not had the advantage of their navy as a support. But it is expected that this home organization, while it may be but little of its time in actual service, will, in case of sudden emergency, assist in repelling the plundering bands of the enemy, which evade contact with our armies, and make predatory incursions to our very homes for the purposes already mentioned; and that they will assist in suppressing any servile insurrections which these plundering parties may be able to incite.

“Many who claim to be Her Majesty’s subjects in this State are large slaveholders, whose danger of loss of property, and of insult and cruel injury to their wives and children, in case of insurrection, is as great as the danger to the citizens of this State, and their obligation to protect their property and their families against the local aggressions of the United States’ forces is no less.

“While Her Majesty’s Government has constantly refused to recognize the existence of the Government of the Confederate States, her citizens have enjoyed its protection. And while she refuses to hold any diplomatic relations with us, you, as her Representative, are permitted to represent her interests here, and to be heard for the protection of her subjects and their property. In this state of things, British subjects who still elect to remain in the Confederacy should not expect to do less than the service now required of them; and while free egress will in no case be denied them, should they desire to depart from this State, less than the service now required will not in future be demanded, in case they choose to remain in the State and enjoy its protection.”

Where to Mr. Fullarton replies on the 17th August. He says it was not he who misunderstood the affair, but Governor Brown:—

“I perfectly understood the intentions of the Government in organizing the force of 8,000 men for home defence, but I am obliged to conclude that you have misunderstood me when I admitted the right of the State to claim the services of British subjects resident within its limits for the purpose of maintaining internal order, and even to a limited extent to defend the places of their residence against local invasion by a foreign Power. Such service might be rendered by them in the event of a war by a foreign Power, but not in a civil war like that which now rages on this continent.

“Her Majesty’s Government consider that the plainest notions of reason and justice forbid that a foreigner, admitted to reside for peaceful purposes in a State forming part of a Federal Union, should be compelled by that State to take an active part in hostilities against other States which, when he becomes a resident, were members of one and the same Confederacy. While acknowledging the right of the State, under present circumstances, to the services of British subjects for patrol or police duty, Her Majesty’s Government object to any further extension of such service. I have consequently, under instructions, felt myself compelled to advise those drafted to acquiesce in the duty until they are required to leave their immediate homes or to meet the United States’ forces in actual conflict; in that event to throw down their arms and refuse to render a service the performance of which would run directly in the teeth of Her Majesty’s Proclamation, and render them liable to the severe penalties denounced against a violation of the strict neutrality so strongly insisted on in that document.”

And he adds this menace:—

“The despatches which I have received from the British Government relative to compulsory service are strong. I am instructed to remonstrate in the strongest terms against all attempts to force British subjects to take up arms. Should these remonstrances fail, the Governments in Europe, interested in this question, will unite in making such representations as will secure to aliens this desired exemption.”

To this the Governor replies as becomes him:—

“You virtually deny that the United States is a foreign Power, and claim that Georgia is still a component part of the Government of the United States. You have probably been influenced in your persistence in this error by the forbearance of the Government and people of the Confederate States in permitting Her Majesty’s Consuls to remain among us in the exercise of the function of a position to which they were originally accredited by the Government of the United States. As it is no part of my purpose to enter into an argument to convince you that the United States is a hostile Power foreign to Georgia, I will dismiss this part of the controversy with the single remark that if your pretensions be correct, your appeal for the protection of British subjects resident within this State should have been made to the Government at Washington, and not to me.

“You are pleased to inform us that you have felt compelled to advise those drafted to acquiesce in the duty until they are required to leave their immediate homes, or to meet the United States’ forces in actual conflict; in that event to throw down their arms and

refuse to render a service the performance of which would run directly in the teeth of Her Majesty's Proclamation, &c. It is worthy of remark that the language you employ is, 'to leave their immediate homes, or to meet the United States' forces in actual conflict.' Your advice, then, to British subjects, if I correctly understand it, is that when the United States' forces attack the immediate locality of their homes or their own houses, they are not to defend them, as required by the laws of nations, against such local invasion; but they are to throw down their arms and refuse to fight for the protection of their domiciles. In reply to this, it is my duty to inform you that I can neither be bound by your pretensions that the United States is not a Power foreign to Georgia, nor can I admit the right of Her Majesty by Proclamation to change the laws of nations, and insist upon maintaining her subjects here and exempting them from the performance of the duties imposed upon them by the laws of nations. When the troops now drafted have been turned over to the Government of the Confederate States, to be held in readiness to repel local invasion, if they should, upon the approach of a hostile force, follow your advice, and throw down their arms, that Government will have the power to pardon for such conduct, or to strike their names from its muster rolls if it chooses to do so; but if an attack should be made by the enemy upon the immediate locality of their homes, while I control and command the forces to which they are attached, and they should be guilty of conduct so unnatural and unmanly as to throw down their arms and refuse to defend their domiciles, they will be promptly dealt with as citizens of this State would be should they be guilty of such dishonourable delinquency."

Here it is to be observed that it was prudent in the Governor to answer only for himself; he knows very well what he will do, while he commands the State Militia, to any of the State force who may throw down their arms in face of the enemy; but he cannot tell what the Confederate authorities might do in such a case, with Mr. Benjamin Secretary of State.

Mr. Fullarton had asked if there would be any obstacle to the British residents leaving the country, even if already drafted, and intimates that this would deprive the Confederacy of artisans and mechanics whose services were of "inestimable value." The Governor responds:—

"It is gratifying to know that there is no law of nations or of this State which throws any obstruction in the way of the removal of any British subject from the State who is not satisfied with the privileges and protection which he enjoys. You remind me, however, that not a few of them are mechanics, of whose inestimable services at this crisis the Confederacy will be deprived in case of their removal. These mechanics have no doubt remained in this State because they felt it their interest to remain. And in reference to them this State will very cheerfully adopt the rule which generally controls the British Government. She will consult her own interest, and will exempt from military service for local defence such mechanics who are aliens as choose to remain, and as will be more serviceable in that capacity."

Mr. Fullarton next begins operations by demanding leave to quit the State for J. D. and F. M. Kiely, "two drafted British subjects." We give the whole of the Governor's reply which closes the correspondence, as we find it in the "Atlanta Intelligencer":—

"Mr. A. Fullarton, Acting Consul of Great Britain:

"Dear Sir,

"*Marietta*," September 14, 1863.

"I HAVE the honour to acknowledge the receipt of your communication of the 12th instant, in which you request me to issue orders to the commanding officers to grant J. D. and F. M. Kiely, two drafted British subjects, residents of Rome, Georgia, leave to quit the State and permission to remain unmolested in Rome thirty days, to settle their affairs in that city. This permission will be cheerfully granted upon the production to me of sufficient evidence that the persons named are British subjects."

"By an Ordinance of the Convention of this State representing her people and her Sovereignty, passed on the 16th day of March, 1861, it is declared:—

"That all white persons resident in this State at the time of the secession of the State from the United States, with the *bond fide* intention of making it the place of their permanent abode, shall be considered as citizens of this State, without reference to their place of birth: provided that any persons not born in this State can except him or herself from the operations of this Ordinance by a declaration in any Court of Record in the State, within three months from this date, that he or she does not wish to be considered a citizen of this State."

"The Ordinance of Secession referred to in the above quotation was passed on the 19th day of January, 1861.

"If the Messrs. Kiely were resident in this State on the 19th day of January, 1861,

and did not file their declaration in a Court of Record in this State within three months from the 16th day of March, 1861, that they did not wish to become citizens of this State, they accepted the privileges and obligations of citizenship offered them by the State, and ceased to be British subjects, and are consequently not entitled to the leave to quit the State for which you ask under my letter of the 26th ultimo. If, however, they became residents of this State at any time since the 13th day of January, 1861, or if they were then residents, and filed their declaration as required by the Ordinance, within three months after the 16th day of March, 1861, they will be allowed the thirty days to arrange their affairs, as you request, and permitted to depart from the State at the expiration of that term. With high consideration, I am, &c.

(Signed) "JOSEPH E. BROWN."

Bravo, Governor! We hope there is not a single Governor of a State in the Confederacy capable of acting with less spirit and patriotism than Governor Brown.

But what on earth are we to do with Mr. Benjamin and his "Consuls?" How long are we to suffer him to "approve and recognize" persons who do not approve or recognize us, who publicly insult the sovereignty of our States, who tell us we are waging "civil war" against our Government at Washington, and who officially advise our State soldiers to throw down their arms? Something must be done; and no one will be surprised if the Governor of Georgia now finds it to be his duty to draft Mr. Fullarton. The gentleman or his Government can ask redress at the hands of Mr. Lincoln.

No. 7.

Lord Lyons to Earl Russell.—(Received November 6.)

My Lord,

Washington, October 23, 1863.

WITH reference to my despatch of the 16th instant, I have the honour to transmit to your Lordship an extract from the "National Intelligencer" newspaper of the day before yesterday, containing a part of a correspondence which has been published in the Southern newspapers, and from which it appears that the so-called Confederate Government has expelled the British Consular Officers from the territory subject to it.

I have no other information on the subject.

I have, &c.
(Signed) LYONS.

- Inclosure in No. 7.

Extract from the "National Intelligencer" of October 21, 1863.

EXPULSION OF ALL THE BRITISH CONSULS.—WE published a few days ago a digest of a correspondence that had passed between Governor Brown, of Georgia, and Mr. Fullarton, British Consul at Savannah, in reference to the rights of British subjects who had been impressed into the Confederate army. The position taken by Mr. Fullarton on that occasion has brought to a crisis the anomalous question of the position of British Consuls in the Confederacy; and a correspondence has been published by the Rebel State Department, in the course of which Mr. Benjamin takes occasion, on behalf of the Confederacy, to dispense with the existence of British Consular Agents.

The first document is a very long despatch addressed by Mr. Benjamin to Mr. Slidell in Paris. It is dated from the Department of State at Richmond on the 18th instant, and, as the point of the whole matter is in the first paragraph, we here quote it:—

"The conduct of the British Consular Agents in the Confederacy has compelled the President to take the decisive step of expelling them from our country, and it is deemed proper to put you in possession of the causes which have produced this result, that you may have it in your power to correct any misrepresentations on the subject. To this end it is necessary to review the whole course of the British Government and that of the Confederacy in relation to these officials."

Lest the Emperor of the French may misunderstand this action, Mr. Benjamin concludes his despatch with the following paragraph:—

"The exercise of the *droit de renvoi* is too harsh, however, to be resorted to without justifiable cause, and it is proper that you should have it in your power to explain the grounds on which the President has been compelled to enforce it. Lest also the

Government of His Imperial Majesty should be misled into the error of supposing that the rights of French citizens are in any manner involved in the action of the President, which has been rendered necessary by the reprehensible conduct of the British Consular Agents, you are requested to take an early occasion for giving such explanations to M. Drouyn de Lhuys as will obviate all risk of misapprehension."

We give entire the despatch in which Mr. Benjamin announces to Mr. Fullarton the fact of his dismissal:—

"Sir,

"Department of State, Richmond, October 3, 1863.

"Your letters of the 1st and 3rd instant have been received. You inform this Government that, 'under your instructions, you have felt it to be your duty to advise British subjects that while they ought to acquiesce in the service required so long as it is restricted to the maintenance of internal peace and order, whenever they shall be brought into actual conflict with the forces of the United States, whether under the State or Confederate Government, the service so required is such as they cannot be expected to perform.

"Your correspondence with the Governor of Georgia leaves no doubt of the meaning intended to be conveyed by this language. In that correspondence you state that 'under instructions, you have felt yourself compelled to advise those drafted to acquiesce until called from their homes, or to meet the United States' forces in actual conflict; but in that event to throw down their arms, and refuse to render a service directly in the teeth of Her Majesty's Proclamation, which would incur the severe penalties denounced in the Neutrality Act.'

"In a communication from the Acting British Consul in Charleston to the military authorities, he also has informed them that 'he has advised the British subjects generally to acquiesce in the State military organizations; but at the same time he informed them that, in the event the Militia should be brought into conflict with the forces of the United States, either before or after being turned over to the Confederate Government, the services required of them would be such as British subjects could not be expected to perform.'

"It thus appears that the Consular Agents of the British Government have been instructed not to confine themselves to an appeal for redress, either to Courts of Justice or to this Government, whenever they may conceive that grounds exist for complaint against the Confederate authorities in their treatment of British subjects (an appeal which has in no case been made without receiving just consideration), but that they assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service; that they even arrogate the right to interfere directly with the execution of the Confederate laws, and to advise soldiers of the Confederate armies to throw down their arms in the face of the enemy.

"This assumption of jurisdiction by foreign officials within the territory of the Confederacy, and this encroachment on its sovereignty, cannot be tolerated for a moment; and the President has had no hesitation in directing that all Consuls and Consular Agents of the British Government be notified that they can no longer be permitted to exercise their functions, or even reside, within the limits of the Confederacy.

"I am directed, therefore, by the President to communicate to you this order, that you promptly depart from the Confederacy, and that in the meantime you cease to exercise any Consular functions within its limits.

"I am, &c.

(Signed)

"J. P. BENJAMIN, *Secretary of State.*

"A. Fullarton, Esq., Savannah, Georgia."

The "Richmond Enquirer" has the following among other comments on the above correspondence:—

"It ought to have been known here from the first, but was not, that England could be no friend to the Confederacy or its cause; although sufficiently an enemy to the United States to desire the final disruption of the Union. We have been long in finding out the truth, and, before we would admit it, have endured some humiliations and insolent airs on the part of that Power, which surprised us very much, but ought not to have done so. At last the thing has become too clear.

"Be it so; we are content that the right thing is done at last in this most provoking matter. We pay our compliments also to the Secretary for the clearness and precision with which he has set forth what he thought it material to place on record; and though some of his views about continuing and revoking exequaturs, and the like, are liable to exception, there is no occasion to controvert them any further on the present occasion. Practically, the right position with regard to the British Government is now reached.

We may now expect, ere long, to see a British Minister at Richmond, and British Consuls asking exequaturs from Mr. Benjamin; for England never neglects her subjects, nor leaves them without the shadow of her wing and the guardianship of her flag. The sooner the better. We do not want to hurt either her or her subjects."

No. 8.

Acting Consul Walker to Earl Russell.—(Received November 27.)

My Lord,

Charleston, October 15, 1863.

I HAVE the honour to transmit to your Lordship herewith a copy of a despatch I have this day received from Mr. Benjamin, the Secretary of the so-called Confederate States, conveying to me the orders of the President of the same promptly to withdraw from the Confederacy, and in the meantime to cease the exercise of Consular functions within its limits. I also transmit a copy of a despatch inclosed to me by Mr. Benjamin, to which I am referred for the reasons which have induced the President to adopt such a course.

Upon an examination of this despatch, it seems that Mr. Benjamin has concluded from certain statements made by Mr. Fullarton, and from a statement made by myself, that the Consular Agents of Her Majesty have been instructed not to confine themselves to an appeal for redress either to Courts of Justice or to the Confederate Government whenever they may conceive that grounds exist for complaint against the Confederate authorities in their treatment of British subjects; but that they assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service; that they even arrogate the right to interfere directly with the execution of the Confederate laws, and to advise soldiers of the Confederate armies to throw down their arms in the face of the enemy. As these conclusions and surmises are entirely inapplicable to this Consulate, I have taken upon myself to reply to Mr. Benjamin's despatch, and to controvert his positions *in toto*, in the most emphatic manner possible; and as he has thought proper to give publicity to the whole affair by causing it to be published in the Richmond "Sentinel," I have submitted to him that justice to Her Majesty's Government, and to myself, requires a like publication of my reply to him.

I have the honour to transmit herewith a copy of that reply.

I have, &c.

(Signed) H. PINCKNEY WALKER.

Inclosure 1 in No. 8.

Mr. Benjamin to Acting Consul Walker.

Sir,

Department of State, Richmond, October 8, 1863.

FOR the reasons expressed in the inclosed copy of a letter from this Department to the Acting British Consul at Savannah, I have to convey to you the orders of the President that you promptly withdraw from the Confederacy, and that in the meantime you cease to exercise any Consular functions within its limits.

I am, &c.

(Signed) J. P. BENJAMIN, *Secretary of State.*

Inclosure 2 in No. 8.

Mr. Benjamin to Acting Consul Fullarton.

Sir,

Department of State, Richmond, October 8, 1863.

YOUR letters of the 1st and 3rd instant have been received. You inform this Government that "under your instructions you have felt it to be your duty to advise British subjects that, whilst they ought to acquiesce in the service required so long as it is restricted to the maintenance of internal peace and order, whenever they shall be brought into actual conflict with the forces of the United States, whether under the State or Confederate Governments, the service so required is such as they cannot be expected to perform."

Your correspondence with the Governor of Georgia leaves no doubt of the meaning intended to be conveyed by this language.

In that correspondence you state that "under instructions you have felt yourself compelled to advise those drafted to acquiesce until called from their homes, or to meet the United States' forces in actual conflict; but in that event to throw down their arms, and refuse to enter a service directly in the teeth of Her Majesty's Proclamation, and which would incur the severe penalties denounced in the Neutrality Act."

In a communication from the Acting British Consul in Charleston to the military authorities, he also has informed them that "he has advised the British subjects generally to acquiesce in the State Militia organizations, but at the same time he informed them that in the event the Militia should be brought into conflict with the forces of the United States, either before or after being turned over to the Confederate Government, the services required of them would be such as British subjects could not be expected to perform."

It thus appears that the Consular Agents of the British Government have been instructed not to confine themselves to an appeal for redress either to Courts of Justice or to this Government whenever they may conceive that grounds exist for complaint against the Confederate authorities in their treatment of British subjects (an appeal which has in no case been made without receiving just consideration), but that they assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service; that they even arrogate the right to interfere directly with the execution of Confederate laws, and to advise soldiers of the Confederate armies to throw down their arms in the face of the enemy.

This assumption of jurisdiction by foreign officials within the territory of the Confederacy and this encroachment on its sovereignty cannot be tolerated for a moment; and the President has had no hesitation in directing that all Consuls and Consular Agents of the British Government be notified that they can no longer be permitted to exercise their functions, or even to reside within the limits of the Confederacy.

I am directed, therefore, by the President to communicate to you this order, that you promptly depart from the Confederacy, and that in the meantime you cease to exercise any Consular functions within its limits.

I am, &c.

(Signed) J. P. BENJAMIN, *Secretary of State.*

Inclosure 3 in No. 8.

Acting Consul Walker to Mr. Benjamin.

Sir,

Charleston, October 15, 1863.

I HAVE the honour to acknowledge the receipt on this day of your despatch to me of the 8th instant, conveying to me the orders of the President that I promptly withdraw from the Confederacy, and in the meantime cease to exercise any Consular functions within its limits.

Your despatch incloses to me another addressed by you to Her Britannic Majesty's Acting Consul at Savannah, to which I am referred for the reasons which have induced the orders for my withdrawal which you have conveyed to me.

I have accordingly examined that despatch, and I have the honour to represent that justice to myself and my duty to Her Majesty's Government require that I should without any hesitation point out to you how very serious are the mistakes you have fallen into.

However correct your premises may be, you are exceedingly unfortunate in the conclusions you have arrived at. You conclude that "the Consular Agents of the British Government have been instructed not to confine themselves to an appeal for redress, either to the Courts of Justice or to your Government whenever they may conceive that grounds for complaint exist against the Confederate authorities in their treatment of British subjects." The fact is not so; and I am sorry to be obliged to say you are entirely mistaken.

You next conclude and assert that Her Majesty's Consular Agents "assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service."

To this assertion, so far as it refers to this Consulate, I claim the right to give the most unqualified denial; and I challenge the proof of any action that has been taken, or any advice or countenance that has at any time been given by me to any enlisted

man. And with like emphasis do I utterly deny that I have ever arrogated the [right to interfere directly or indirectly with the execution of Confederate laws, or extended any advice whatever to any of the soldiers of its armies upon any topic whatsoever.

Therefore, in further denial of your assertions, unfounded so far as they are applied to me, it becomes my turn to draw some conclusions: and they are that I have not, as you allege, assumed any undue jurisdiction within the territory of the Confederacy nor in any way encroached upon its sovereignty. In short, the only assertion made in your despatch in which I can concur, is, that in which you say no appeal has been made to you without receiving just consideration. I have pleasure in admitting the truth of this statement, and on proper occasion it has given me pleasure to announce to Her Majesty's Government the satisfactory manner in which my appeals have been received.

But I have now to complain that you have done to me both personally and officially, and also to Her Majesty's Government, very great injustice by publishing throughout the Southern States, as applicable to myself and to this Consulate, conclusions which are utterly without foundation.

And I submit, therefore, to your just consideration that the injustice complained of can only be removed by your giving to this despatch the same publicity that you have been pleased to give to the charges you have preferred.

I have the honour to request that such orders may be given as will enable me to hold communication with any of Her Majesty's ships that may visit the coast of this Consular district.

I have, &c.
(Signed) H. PINCKNEY WALKER.

No. 9.

Acting Consul Walker to Earl Russell.—(Received November 27.)

My Lord,

Charleston, October 9, 1863.

I HAVE the honour to inclose to your Lordship a copy of the official publication of the State Department of the so-called Confederate States in reference to the recent orders for the removal of Her Majesty's Consuls from the Confederacy.

It commences with a despatch from Mr. Benjamin to Mr. Slidell, which may not otherwise fall under your Lordship's notice. In this among other things he insists that Her Majesty's Consuls at this port and Savannah have interfered with Confederate enlisted soldiers, and with the execution of the Confederate laws, and declares that the despatch is sent to Mr. Slidell to enable him to give such explanation of the Confederate act in expelling Her Majesty's Consuls as will obviate the belief of its having arisen from a different cause.

In connexion with this subject I pray your Lordship to permit me to offer a few remarks.

In the despatch referred to Mr. Benjamin refers to the Act of the Confederate Congress, passed in April, 1862, directing "a draft for the army" of the Confederate States.

I beg to call your Lordship's attention to these facts: that the law referred to is entitled "An Act to further provide for the Public Defence," that it is universally known as "the Conscription Act," and those who enter the army under its provisions as "conscripts," and those who receive and instruct them as "Commandants of Conscripts" and those who gather them as "Enrolling officers." The word "draft" is not to be found in the Act, nor is it ever understood as applicable to those who enter the service under it. For your Lordship's further information on this point I transmit herewith a copy of the Act.

Upon the subsequent call of the President of the so-called Confederate States upon the Governors of the several States for additional troops to be employed in Confederate service within their limits, they for the most part undertook to re-organize the Militia of the States over which they presided; they also called for volunteers and announced that drafts would take place from the newly organized militia to make up the number asked of them, should volunteering not supply it.

The advice which I have given and to which Mr. Benjamin takes exception was given on the eve of this new militia organization, and the word "drafted" as used by Mr. Fullarton has reference to the performance of that operation by the State authorities, and cannot fairly be tortured into a connection with "enlisted men" nor "Confederate laws." I will state moreover that those who have applied to me for counsel and direction

I have regarded as involuntary inhabitants; the continuance of the blockade and the existence of military lines having forbid their evacuation of the country.

I trust your Lordship will forgive me for this digression, which I venture to make in order to expose the special pleading of Mr. Benjamin, whereby, as it seems to me he seeks unjustly to cast odium on Her Majesty's Government and upon her Consular officers.

I have, &c.
(Signed) H. PINCKNEY WALKER.

Inclosure 1 in No. 9.

Official Correspondence of the State Department relative to the Dismissal of the British Consuls.

Mr. Benjamin to Mr. Slidell.

Sir,

Department of State, Richmond, October 8, 1863.

THE conduct of the British Consular Agents in the Confederacy has compelled the President to take the decisive step of expelling them from our country; and it is deemed proper to put you in possession of the causes which have produced this result, that you may have it in your power to correct any misrepresentations on the subject. To this end it is necessary to review the whole course of the British Government and that of the Confederacy in relation to these officials.

When the Confederacy was first formed, there were in our ports a number of British Consuls and Consular Agents, who had been recognized as such, not only by the Government of the United States, which was then the authorized agent of the several States for that purpose, but by the State authorities themselves. Under the law of nations, those officials are not entitled to exercise political or diplomatic functions, nor are they ever accredited to the Sovereigns within whose dominions they reside. Their only warrant of authority is the commission of their own Government: but usage requires that those who have the full grade of Consul should not exercise their functions within the territory of any Sovereign before receiving his permission in the form of an exequatur; while Consular agents of inferior grade simply notify the local authorities of their intention to act in that capacity. It has not been customary, upon any change of Government, to interfere with these commercial officials already established in the discharge of their duties, and it is their recognized obligation to treat all Governments which may be established *de facto* over the ports where they reside as Governments *de jure*. The British Consular officials gave no cause of complaint on this score, and the President interposed no objection to the continued exercise of their functions. On other grounds, however, various causes of complaint subsequently arose, and in the case of Consul Moore it was found necessary to revoke his exequatur for his disregard of the legitimate request of this Department that he should abstain from further action as Consul until he had submitted his commission for inspection, and because of his offensive remarks touching the Confederate authorities in relation to two enlisted soldiers, as fully explained in a published despatch of this Government. Attention was also called in that despatch (which was communicated to the British Cabinet) to the objectionable conduct of British functionaries in the enemy's country, who assumed authority within the limits of the Confederacy, thereby implying that these States were still members of the Union to which those functionaries were accredited, and ignoring the existence of this Government within the territory over which it was exercising unquestioned sway. Notwithstanding the grave character of this complaint, the President confined himself to reprehending this conduct, and to informing the British Government that he had forbidden, for the future, any direct communication between British Consuls here and British officials in the United States. And here it may not be improper to observe, that although this despatch was published at the time of its date, and was communicated to the Foreign Office in London, Her Majesty's Ministers made the strange mistake of asserting in the House of Commons that Mr. Moore's dismissal was connected in some way with alleged cruelties committed on one Belshaw, of whose existence the Department was ignorant till the publication of the debate, and concerning whom no representation exists on its files.

Soon after that despatch was forwarded, the President was apprised by the Governor of Alabama that Her Majesty's Government had visited with severe displeasure and had removed from office the British Consular Agent at Mobile, because he had received and forwarded from Mobile, on an English man-of-war, money due by the State of Alabama

to British subjects for interest on the public debt of the State; and that the British Minister at Washington, after failing in active efforts to prevent the remittance of this money, had assumed the power of appointing a Consular Agent within the Confederacy to replace the officer at Mobile who had incurred censure and punishment for the discharge of a plain duty to British subjects which happened to be distasteful to the United States. A copy of the despatch on this subject communicated to the British Government is inclosed, and you will perceive that the action of the President was marked by extreme forbearance, and that he confined himself to refusing permission that Mr. Cridland should act under Lord Lyons' instructions, and to expressing the confident hope that Her Majesty's Government would in the future choose some other mode of transmitting its orders and exercising its authority over its agents within the Confederacy, than by delegating to functionaries who reside among our enemies the power to give orders or instructions to those who reside among us.

In his answer to this despatch (of which a copy is also inclosed), Earl Russell, while acknowledging the justice of our remonstrance against the assumption of authority by Lord Lyons, defends the action of the British Government in the matter of the Mobile Consulate by maintaining that the transmission of the specie by Consul Magee under the circumstances above explained, "had the character, in the eyes of Her Majesty's Government, of aiding one of the belligerents against the other." This statement clearly assumes that the transmission of specie from one of these States to Great Britain in payment of a public debt to British subjects is an act of hostility against the United States, which British officials cannot promote with due regard to neutral obligations, because it "aids one of the belligerents against the other." No reason is given for this conclusion, which appears to us to be at variance with all received notions of international law. The States of the Confederacy have under the most adverse circumstances made great efforts and sacrifice to effect punctual payment of their debt to neutrals, and these efforts do not seem to us to be properly characterized as being belligerent acts against our enemies. We can but regret that Her Majesty's Government have determined so to regard them, and to discourage the discharge of a duty in which British subjects are so deeply interested.

Within the last few days the President has been informed by communications addressed to the State and Confederate authorities by two out of the three British Consular Agents remaining here, that they had received instructions from their Government to pursue a course of conduct in regard to persons of British origin now resident within the Confederacy which it has been impossible to tolerate. It seems scarcely probable that the instructions of Earl Russell have been properly understood by his Agents, but we have no means of communicating with the British Government for the correction of misunderstandings. You are aware that Great Britain has no Diplomatic Agent accredited to us, and that Earl Russell having declined a personal interview with Mr. Mason, the latter, after some time spent in an unsatisfactory interchange of written communications, has been relieved of a mission which had been rendered painful to himself and was productive of no benefit to his country. The President was, therefore, compelled to take the remedy into his own hands.

A brief statement will suffice for your full comprehension of the matter. In April 1862, Congress passed a law directing a draft for the army of "all white men who are residents of the Confederate States, between the ages of eighteen and forty-five years, and not legally exempted from military service." The draft was made, as stated in the law, in view of the absolute necessity "of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil;" in other words, all residents capable of bearing arms were called on to protect their own homes from invasion, their own property from plunder, their own families from cruel outrage. You will observe that the call was not made until after a year of war, during which it had been entirely within the power of all foreigners to depart from a country threatened with invasion, if they preferred not to share the common lot of its inhabitants.

Upon the promulgation of this law objection was made by several foreign Consuls to its application to the subjects of their Sovereigns, and the President directed that its provisions should not be so construed as to impose forced military service on mere sojourners or temporary residents, but only on such as had become citizens of the Confederacy *de jure*, or had rendered themselves liable, under the law of nations, to be considered as citizens *de facto*, by having established themselves as permanent residents within the Confederacy, without the intention of returning to their native country.

To this very liberal interpretation of the law in favour of foreign residents, it was not supposed that objection could be taken; but on the 12th November, 1862, Consul Bunch, at Charleston, wrote to the Department as follows:—

"I have now received the instructions of Earl Russell to signify to you the views of Her Majesty's Government on this subject.

"I am desired to lose no time in remonstrating strongly against the forcible enlistment of British subjects, and to say that such subjects domiciled only by residence in the so-called Confederate States cannot be forcibly enlisted in the military service of those States by virtue of an *ex post facto* law, when no municipal law existed at the time of their domicile rendering them liable to such service.

"It may be competent for a State in which a domiciled foreigner may reside to pass such an *ex post facto* law, if at the same time an option is offered to foreigners affected by it to quit, after a reasonable period, the territory; if they object to serve in the armies of the State; but without this option such a law would violate the principles of international law, and even with such an option the comity heretofore observed between independent States would not be very scrupulously observed.

"The plainest notions of reason and justice forbid that a foreigner admitted to reside for peaceful and commercial purposes in a State forming a part of the Federal Union should be suddenly and without warning compelled by the State to take an active part in hostilities against other States which, when he became domiciled, were members of one and the same Confederacy; which States, moreover, have threatened to treat as rebels, and not as prisoners of war, all who may fall into their hands.

"To these considerations must be added the fact that the persons who have been the victims of this forced enlistment are forbidden under severe penalties by the Queen's Proclamation, to take part in the civil war now raging in America, and that thus they are made not only to enter a military service contrary to their own wishes and in violation of the tacit compact under which they took up their original domicile, but also to disobey the order of their legitimate Sovereign.

"I am directed by Earl Russell to urge these several considerations upon you, and to add that Her Majesty's Government confidently hope and expect that no further occasion for remonstrance will arise on this point."

No reply was deemed necessary to this despatch (nor to a similar one from Consul Moore dated on the 11th November), notwithstanding the very questionable assumptions, both of law and fact, contained in it, because there seemed to be no substantial point at issue between the two Governments, and discussion could therefore serve no useful purpose. Earl Russell was not understood to insist on anything more than that British subjects resident within the Confederacy should be allowed a reasonable time to exercise the option of departing from the country if unwilling to be enrolled in its service; and, in point of fact, this option had never been refused them, and many had availed themselves of it. Nor was it believed that Her Majesty's Government expected a very favourable response to their appeal to this Government for the exercise of the comity between "independent" States supposed to be involved in this subject, whilst Great Britain was persistently refusing to recognize the independence which alone could justify the appeal.

Since the date of these two letters, numerous requests have been made by British Consular officials for the interposition of this Government in behalf of persons alleged to be British subjects wrongfully subjected to draft. Relief has always been afforded when warranted by the facts, but it soon became known that these gentlemen regarded their own certificates as conclusive evidence that the persons named in them were exempt from military service, and that these certificates were freely issued on the simple affidavit of the interested parties. Thus Consul Moore was deceived into claiming exemption for two men who were proven to be citizens of the Confederacy, and to have been landowners and voters for a series of years prior to the war.

Much inconvenience was occasioned before these abuses could be corrected, but they afterwards assumed a shape which forbade further tolerance. The correspondence of the Acting British Consuls at Savannah and Charleston, already referred to, asserts the existence of instructions from their Government, under which, instead of advising British subjects to resort to the courts of justice, always open for the redress of grievances, or to apply to this Government for protection against any harsh or unjust treatment by its subordinates, they deem it a duty to counsel our enlisted soldiers to judge for themselves of their right to exemption, to refuse obedience to Confederate laws and authority, and exhort them to open mutiny in face of the enemy.

even This unwarrantable assumption by foreign officials of jurisdiction within our territory, this offensive encroachment on the sovereignty of the Confederate States, has been repressed by the President's order for the immediate departure of all British Consular Agents from our country, as you will perceive by a perusal of the inclosed copy of the notice addressed to one of them, Acting Consul Fullarton.

But a few months have elapsed since the utmost indignation was expressed by the British Government against the United States' Minister at London for issuing a safe-conduct to be used on the high seas by a merchant-vessel; and the ground of this denunciation was his exercise of direct authority over subject matter within the exclusive territorial jurisdiction of the Queen. It is difficult, therefore, to conceive on what basis Her Majesty's Government have deemed themselves justified in the much graver encroachment on the sovereignty of these States, which has been attempted under instructions alleged to have emanated from them.

It is not my purpose here to discuss the nature and extent of the claims of the Confederacy on the allegiance of persons of foreign origin residing permanently within its limits (easy as would be the task of demonstrating the obligation of such residents, under the law of nations, to aid in the defence of their own homes and property against invasion), because, as already observed, the liberal construction of the law in their favour which has been sanctioned by the President, and the indulgence of the Government in permitting them for many months to exercise the option of avoiding service by departing from the country, deprive the discussion of any practical interest. I have been induced to place the whole subject fully in your possession, by reason of a statement made by Consul Fullarton to the Governor of Georgia, that in the event of the failure of his remonstrances to produce the exemption of all British subjects from service, he is instructed to state that "the Governments in Europe interested in this question will unite in making such representations as will secure to aliens this desired exemption."

The menace here implied would require no answer if it were not made professedly under instructions. It is scarcely necessary to say to you that the action of the President in repelling with decision any attempt by foreign officials to arrogate sovereign rights within our limits, or to interfere of their own authority with the execution of our laws, would not be affected in the slightest degree by representations from any source, however exalted. This is the only point on which the President has had occasion to act, and on this point there is no room for discussion.

The exercise of the *droit de renvoi* is too harsh, however, to be resorted to without justifiable cause, and it is proper that you should have it in your power to explain the grounds on which the President has been compelled to enforce it. Lest also the Government of His Imperial Majesty should be misled into the error of supposing that the rights of French citizens are in any manner involved in the action of the President which has been rendered necessary by the reprehensible conduct of the British Consular Agents, you are requested to take an early occasion for giving such explanation to M. Drouyn de Lhuys as will obviate all risk of misapprehension.

I am, &c.
(Signed) J. P. BENJAMIN.

Mr. Benjamin to Mr. Fullarton, October 8, 1863.

[See Inclosure 2 in No. 8.]

Mr. Benjamin to Mr. Mason.

Sir,

Department of State, Richmond, June 11, 1863.

SINCE my No. 24, of 6th instant, further information has reached the Department, illustrating most forcibly the necessity for the action taken by the President on the subject of Her Britannic Majesty's Consuls resident within the Confederacy, as explained in that despatch.

On the 18th May Mr. Cridland, who had occasionally acted as Consul in Richmond during temporary absence of Consul Moore, sought an interview at the Department, and in being admitted, called my attention to an article in the Richmond "Whig" of that date, which announced that Mr. Cridland was about to depart for Mobile with the commission of Consul, and that he was accredited to Mr. Lincoln, not to this Government. Mr. Cridland assured me that the statement was erroneous; that he was going to Mobile as a private individual, unofficially, to look after certain interests of the British Government that had been left unprotected by the withdrawal of Consul Magee. He further stated that as he was going there unofficially he had not conceived that there was any impropriety in doing so without communicating his intention to the Department, and hoped that such was my own view of the matter. I informed him that all neutral residents were at liberty to travel within the Confederacy and to transact their business without

other restrictions than such as the military authorities found it necessary to impose for the public safety, and that this Department saw no reason to interpose any objection to his going to Mobile to transact business unofficially. He then said that he had called at the office of the "Whig" to make a similar explanation to the editor of that paper, with a view to the correction of the erroneous impression created by its article, and accordingly on the next day an article appeared in that journal announcing that it had received the assurance from Mr. Cridland that he was going to Mobile "to look after British interests in that quarter in an unofficial way," and that he was "without commission from the Queen or exequatur from Washington."

I was, therefore, quite surprised at receiving from the Secretary of the Navy official communication of a telegram received by him from Admiral Buchanan, informing the Secretary that Mr. Cridland had been officially introduced to him by the French Consul as Acting English Consul at Mobile, and had shown the Admiral "an official document signed by Lord Lyons, appointing him Acting English Consul at Mobile." I append copies of this telegram, and of the two articles above referred to, extracted from the Richmond "Whig."

These, however, are not the only exceptionable features which mark this affair. Other circumstances, to which your attention is invited, have been brought to the notice of the Department by official communications from the Governor of Alabama.

On the 11th November last the Bank of Mobile, as agent for the State of Alabama, addressed a communication to Consul Magee, at Mobile, informing him that that State would owe, during the ensuing year, to British subjects, interest coupons on the State bonds to the amount of some 40,000*l.* sterling; that this interest was payable in London at the Union Bank and at the counting-house of the Messrs. Rothschild, and requesting to know whether the Bank would be allowed to place in the hands of the Consul in coin the sum necessary for transmission to England, at the expense of the State, for the purpose mentioned.

On the 14th November Consul Magee replied that he had sent to Her Britannic Majesty's Consul at New Orleans to ask if Her Majesty's steam-ship "Rinaldo" could not be sent to Mobile to receive the specie and take it to Havana, to be forwarded thence by the Consul-General of Great Britain to London.

The specie was not conveyed by the "Rinaldo," but by Her Majesty's ship "Vesuvius," and was accompanied by a certificate of the President of the Bank stating that the remittance of the "thirty-one kegs of specie, containing each 5,000 dollars, together 155,000 dollars, . . . is for the purpose of paying dues to British subjects from the State of Alabama, and is the property and belongs to the subjects of Her Britannic Majesty."

The shipment was accompanied by a letter addressed by the Bank as agent of the State of Alabama, to W. W. Scrimgeour, Esq., Manager of the Union Bank of London, directing its appropriation to the payment of the interest due to British and other foreign holders of the State bonds, with a statement of the dates at which the several instalments of the interest would become due, and of the places in London where they were to be paid.

So little doubt seems to have been entertained of the propriety of this transaction by all that were engaged in it, that the Commander of the "Vesuvius" informed the Commander of the United States' blockading squadron that the British Consul had money to send by him, and no objection nor protest was made. Among the papers annexed you will find the account given by Commodore Hitchcock himself of his conversation with the Commander of the "Vesuvius," written after the dismissal of Consul Magee, and therefore at a period when the Commodore could certainly have no motive for giving a colouring to his narrative, adverse to what was then known to be the view of his Government on the subject.

Under these circumstances, the "Vesuvius" received and conveyed the specie which has since been received in England, and, as stated in the public journals, paid in whole or in part to British subjects, thus establishing the *bona fides* of the conduct of all the parties to the transaction.

It now appears that no sooner was the intention of making this remittance communicated to Her Britannic Majesty's Minister at Washington than he took active measures to prevent it, by sending despatches to Mobile forbidding the shipment. They, however, failed to arrive before the departure of the "Vesuvius" with the specie, whereupon Consul Magee was dismissed from office for receiving and forwarding it; and the vacancy thus created in the office of British Consul at Mobile was filled by Lord Lyons by the issue of a commission to Mr. Cridland, and his departure for Mobile under the circumstances already explained.

These facts are of a character so grave as to have attracted the earnest attention of the President, and it is my duty to apprise you of the conclusions at which he has arrived, in order that you may lose no time in laying them before Her Majesty's Government, in the hope that a renewed examination of the subject, and a knowledge of the serious complications which the present anomalous relations between the two Governments may involve, will induce the British Cabinet to review its whole policy connected with those relations, and to place them on the sole footing consistent with accomplished facts, that are too notorious and too firmly established to be much longer ignored.

By the principles of the modern public code debts due by a State are not subject to the operation of the laws of war, and are considered so sacred as to be beyond the reach of confiscation. An attempt at such confiscation would be reprobated by mankind. The United States alone in modern times have courted such reprobation, and just detestation has been universally expressed of their confiscation laws passed during the pending war. The Government of Great Britain, on the contrary, has at all times manifested its abhorrence of such breaches of public faith, and in the Crimean war gave to the world a memorable example of its own high regard for public honour by paying over to its enemy money which it well knew would be immediately employed in waging hostilities against itself. The States of this Confederacy are emulous of examples of honour, and they accordingly refrained on the breaking out of hostilities from even the temporary sequestration of the dividends of their public debt due to their enemies. It was not until they had received notice of the confiscation law passed by the United States on the 6th August, 1861, that they consented to the temporary sequestration of the property of their enemies, and even then the sequestration was declared to be for the sole purpose of securing a fund to indemnify the sufferers under the confiscation law of the United States.

The following clause of our law, exempting public debts from its operation, is extracted as a proof of the sacred regard for public faith manifested by these States under strong temptation to retaliate, and under all the exasperation of the savage warfare then actually waged against them: "Provided further, that the provisions of this Act shall not extend to the stocks or public securities of the Confederate Government, or any of the States of this Confederacy, held or owned by any alien enemy, or to any debt, obligation, or sum due from the Confederate Government or any of the States to such alien enemy." (Sequestration Law of Confederate States, passed 30th August, 1861.)

Such being the obligations imposed on States in regard to the payment of public debts towards even their enemies, no deeper reproach can stain their name than the refusal to do justice to neutral creditors. The observance of public plighted faith concerns mankind at large; in it all nations have a common interest; and the belligerent who perverts the weapons of legitimate warfare into an instrumentality for forcing his enemy to dishonour his obligations and incur the reproach of being faithless to his engagements wages a piratical and not an honourable warfare, and becomes *hostis generis humani*. Public honour is held sacred by international law against the attack of the most malevolent foe, and as susceptible of loss only by the recreancy of its possessor.

What possible lawful interest could the United States have in preventing the remittance of the specie due to the creditors of the State of Alabama? Blockades are allowed by the law of nations as a means of enforcing the submission of an enemy by the destruction of his commerce, the exhaustion of his resources and consequent forced abandonment of the struggle. The remittance of the specie in the present case, far from retarding these legitimate objects, tended on the contrary to promote them by the diversion of the money from application to military purposes. The United States could not have desired that the specie should remain within the Confederacy save with one of two motives:—first, to dishonour the State of Alabama by giving colour to the reproach that it was regardless of public faith, and on this comment has already been made; or secondly, in the hope that by the fortunes of war the money would come within the reach of spoliation under its confiscation law. It is scarcely necessary to observe that the desire to enrich itself by plunder at the expense of neutral creditors is as little consonant with respect for public law and the rights of neutrals as the purpose forcibly to prevent the State of Alabama from redeeming its plighted faith.

Whatever may be the value to which these views may be justly entitled, it is certain that there are but two aspects in which the State of Alabama can be regarded by Her Majesty's Government. Alabama is either one of the States of the former Union engaged in armed rebellion against the legitimate authority of the United States, or is an independent State and a member of this Confederacy engaged in lawful war against the United States. An examination of the effect of either of these relations upon the facts connected with the dismissal of Consul Magee and the appointment of Mr. Cridland

will now be presented in vindication of the action which the President deems it his duty to take on this subject.

1. If the British Government think proper to assume (although the contrary is deemed by this Government to be fully established by convincing reason and victorious arms) that the State of Alabama is still one of the United States, then the Government of the United States is bound towards Great Britain, as well as to all other neutral nations, to render all legitimate aid in the collection of their just claims against that State. Although by the Constitution of the United States its Government may be without power to enforce the payment of a debt due to foreign subjects or Powers by an unwilling State, none can doubt its duty to interpose no obstruction to the payment of such debt; and no more legitimate ground of complaint could be afforded to Great Britain against the Government of the United States than an opposition made by that Government to the payment of a just debt due by Alabama to the subjects of Great Britain. In this aspect of the case, therefore, the British officials of Mobile were doing a duty which ought to have been equally acceptable both to the United States and Great Britain when they facilitated the transmission of funds by that State for that purpose to England, where the debt was made payable, and merited applause rather than a manifestation of displeasure.

2. If, on the contrary, the State of Alabama be regarded (as in right and fact she really is) as an independent State engaged in war against the United States, as a foreign enemy, then the President cannot refrain from observing that the action of Her Britannic Majesty's Minister at Washington savoured on this occasion rather of unfriendly co-operation with an enemy than of just observance of neutral obligations. For in this view of the case, a Minister accredited to the Government of our enemies has not only assumed the exercise of authority within this Confederacy, without the knowledge or consent of its Government, but has done so under circumstances that rather aggravate than palliate the offence of disregarding its sovereign rights. His action further conveys the implication that this Confederacy is subordinate to the United States, and that his credentials, addressed to the Government at Washington, justify his ignoring the existence of this Government, and his regarding these States as an appendage of the country to which he is accredited. Nor will Her Majesty's Government fail to perceive that, in no sense can it be considered consonant with the rights of this Government, or with neutral obligations, that a public Minister should be maintained near the Cabinet of our enemies, charged both with the duty of entertaining amicable relations with them, and with the power of controlling the conduct of British officials resident with us.

Nor will the application of the foregoing remarks be at all impaired if Her Majesty's Government, declining to determine the true relation of the State of Alabama to the United States, choose to consider that question as still in abeyance, and to regard that State as simply a belligerent whose ulterior *status* must await the event of the war. In this hypothesis, the objection to delegating authority over British officials residing with us, to a Minister charged with the duty of rendering himself acceptable to our enemies, is still graver than would exist in the case of hostile nations equally recognized as independent by a neutral Power. For in the latter case the parties would have equal ability to vindicate their rights through the usual channels of official intercourse, whereas in the former the belligerent which enjoys exclusively this advantage is armed by the neutral with additional power to inflict injury on his enemy.

The President has, in the facts already recited, seen renewed reasons for adhering to his determination, mentioned in my preceding despatch, of prohibiting any direct communication between Consuls or Consular Agents residing within the Confederacy, and the functionaries of their Governments residing amongst our enemies. He further indulges the hope (which Her Majesty's Government cannot but regard as reasonable, and which he is, therefore, confident will be justified by its action), that Her Majesty's Government will choose some other mode of transmitting its orders and exercising its authority over its Agents within the Confederacy, than by delegating to functionaries who reside among our enemies the power to give orders or instructions to those who reside among us.

Finally, and in order to prevent any further misunderstanding in Mr. Cridland's case, that gentleman has been informed that he cannot be permitted to exercise Consular functions at Mobile, and it has been intimated to him that his choice of some other State than Alabama for his residence would be agreeable to this Government. This intimation has been given in order to avoid any difficulty which might result from the doubtful position of Mr. Cridland, who is looked on here as a private individual, and who in Alabama represents himself as "Acting English Consul."

The President is confident that Her Majesty's Government will render full justice to

the motives by which these measures are prompted, and will perceive in them a manifestation of the earnest desire entertained by him to prevent the possibility of any unfortunate complications having a tendency to impair the amity which it is equally the interest and the desire of this Government to cherish with that of Great Britain.

The President wishes a copy of this despatch to be placed by you in the hands of Earl Russell.

I am, &c.
(Signed) J. P. BENJAMIN.

Earl Russell to Mr. Mason, August 19, 1863.

[See "North America, No. 14 (1864)," p. 31.]

Mr. Mason to Earl Russell, September 4, 1863.

[See "North America, No. 14 (1864)," p. 31.]

Inclosure 2 in No. 9.

General Orders (No. 30.)

*War Department, Adjutant and Inspector-General's Office,
Richmond, April 28, 1862.*

I. The following Acts having passed both Houses of Congress, were duly approved by the President, and are now published for the information of the Army:—

An Act to Organize Bands of Partisan Rangers.

Section 1. The Congress of the Confederate States of America do enact that the President be and he is hereby authorized to commission such officers as he may deem proper, with authority to form bands of Partizan Rangers, in companies, battalions, or regiments, either as infantry or cavalry, the companies, battalions, or regiments to be composed each of such numbers as the President may approve.

Sect. 2. Be it further enacted, that such Partizan Rangers, after being regularly received into the service, shall be entitled to the same pay, rations, and quarters during their term of service, and be subject to the same regulations, as other soldiers.

Sect. 3. Be it further enacted, that for any arms and munitions of war captured from the enemy by any body of Partizan Rangers, and delivered to any Quartermaster at such place or places as may be designated by a Commanding General, the rangers shall be paid their full value, in such manner as the Secretary of War may prescribe. [Approved April 21, 1862.]

An Act to further Provide for the Public Defence.

In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore,

Section 1. The Congress of the Confederate States of America do enact, that the President be and he is hereby authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of 18 and 35 years at the time the call or calls may be made, who are legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended: provided, however, that all such companies, squadrons, battalions, and regiments, whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the commander of the brigade, to reorganize said companies, battalions, and regiments, by electing all their officers which they had a right heretofore to elect, who shall be commissioned by the President: provided, further, that furloughs not exceeding sixty days, with transportation home and back, shall be granted to all those retained in the service by the provisions of this Act,

beyond the period of their original enlistment, and who have not heretofore received furloughs under the provisions of an Act entitled "An Act providing for the Granting of Bounty and Furloughs to Privates and Non-commissioned Officers in the Provisional Army," approved 11th December, 1861; said furloughs to be granted at such times and in such numbers as the Secretary of War may deem most compatible with the public interest: and provided further that, in lieu of a furlough, the commutation value in money of the transportation herein above granted, shall be paid to each private, musician, or non-commissioned officer who may elect to receive it, at such time as the furlough would otherwise be granted: provided further, that all persons under the age of 18 years, or over the age of 35 years, who are now enrolled in the military service of the Confederate States, in the regiments, squadrons, battalions, and companies hereafter to be reorganized, shall be required to remain in their respective companies, squadrons, battalions, and regiments for ninety days, unless their places can be sooner supplied by other recruits not now in the service, who are between the ages of 18 and 35 years: and all laws and parts of laws providing for the re-enlistment of volunteers and the organization thereof into companies, squadrons, battalions, or regiments, shall be and the same are hereby repealed.

Sect. 2. Be it further enacted, that such companies, squadrons, battalions or regiments organized, or in process of organization by authority from the Secretary of War, as may be within thirty days from the passage of this Act, so far completed as to have the whole number of men requisite for organization actually enrolled, not embracing in said organizations any persons now in service, shall be mustered into the service of the Confederate States as part of the land forces of the same: to be received in that arm of the service in which they are authorized to organize; and shall elect their company, battalion, and regimental officers.

Sect. 3. Be it further enacted, that for the enrolment of all persons comprehended within the provisions of this Act, who are not already in service in the armies of the Confederate States, it shall be lawful for the President, with the consent of the Governors of the respective States, to employ State officers; and on failure to obtain such consent, he shall employ Confederate officers, charged with the duty of making such enrolment in accordance with rules and regulations to be prescribed by him.

Sect. 4. Be it further enacted, that persons enrolled under the provisions of the preceding section shall be assigned by the Secretary of War to the different companies now in service, until each company is filled to its maximum number, and the persons so enrolled shall be assigned to companies from the States from which they respectively come.

Sect. 5. Be it further enacted, that all seamen and ordinary seamen in the land forces of the Confederate States, enrolled under the provisions of this Act, may, on application of the Secretary of the Navy, be transferred from the land forces to the naval service.

Sect. 6. Be it further enacted, that in all cases where a State may not have in the army a number of regiments, battalions, squadrons or companies sufficient to absorb the number of persons subject to military service under this Act, belonging to such State, then the residue or excess thereof shall be kept as a reserve, under such regulations as may be established by the Secretary of War, and that at stated periods of not greater than three months, details, determined by lot, shall be made from said reserve, so that each company shall, as nearly as practicable, be kept full: provided, that the persons held in reserve may remain at home until called into service by the President: provided also, that during their stay at home they shall not receive pay: provided further, that the persons comprehended in this Act, shall not be subject to the Rules and Articles of War until mustered into the actual service of the Confederate States; except that said persons when enrolled and liable to duty, if they shall wilfully refuse to obey said call, each of them shall be held to be a deserter, and punished as such, under said Articles: provided further, that whenever, in the opinion of the President, the exigencies of the public service may require it, he shall be authorized to call into actual service the entire reserve, or so much as may be necessary, not previously assigned to different companies in service under provision of section 4 of this Act. Said reserve shall be organized under such rules as the Secretary of War may adopt: provided, the company, battalion and regimental officers shall be elected by the troops composing the same: provided, the troops raised in any one State shall not be combined in regimental, battalion, squadron or company organization with troops raised in any other States.

Sect. 7. Be it further enacted, that all soldiers now serving in the army or mustered in the military service of the Confederate States, or enrolled in said service under the authorizations heretofore issued by the Secretary of War, and who are continued in the

service by virtue of this Act, who have not received the bounty of 50 dollars allowed by existing laws, shall be entitled to receive said bounty.

Sect. 8. Be it further enacted, that each man who may hereafter be mustered into the service, and who shall arm himself with a musket, shot-gun, rifle or carbine, accepted as an efficient weapon, shall be paid the value thereof, to be ascertained by the mustering officer, under such regulations as may be prescribed by the Secretary of War, if he is willing to sell the same; and if he is not, then he shall be entitled to receive 1 dollar a month for the use of said received and approved musket, rifle, shot-gun or carbine.

Sect. 9. Be it further enacted, that persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.

Sect. 10. Be it further enacted, that all vacancies shall be filled by the President from the company, battalion, squadron or regiment in which such vacancies shall occur, by promotion according to seniority, except in cases of disability or other incompetency: provided, however, that the President may, when in his opinion it may be proper, fill such vacancy or vacancies by the promotion of any officer or officers, or private or privates from such company, battalion, squadron or regiment who shall have been distinguished in the service by exhibition of valour and skill, and that whenever a vacancy shall occur in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: provided, that all appointments made by the President shall be by and with the advice and consent of the Senate,

Sect. 11. Be it further enacted, that the provisions of the first section of this Act relating to the election of officers, shall apply to those regiments, battalions, and squadrons which are composed of twelve-months and war companies combined upon the same organization, without regard to the manner in which the officers thereof were originally appointed.

Sect. 12. Be it further enacted, that each company of infantry shall consist of 125, rank and file; each company of field artillery of 150, rank and file; and each of cavalry, of 80, rank and file.

Sect. 13. Be it further enacted, that all persons subject to enrolment, who are not now in the service under the provisions of this Act, shall be permitted, previous to such enrolment, to volunteer in companies now in the service. [Approved April 16, 1862.]

II.—*Enrolment and Disposition of Recruits.*

1. An officer not below the rank of Major will be detailed for each State, to take charge of the enrolment, mustering, in, subsistence, transportation and disposition of the recruits raised under the above Act.

2. Application will be made immediately to the Governors of the several States, for permission to employ State officers for said enrolment; and in case such permission be not granted, officers of the army will be selected by the Department to perform that duty, under such regulations as may be prescribed. Where State officers are employed, the regulations of the respective States in regard to military enrolment will be observed as far as applicable.

3. The enrolled men in each State will be collected in camps of instruction, by the officers in command of the recruits, the said camps to be selected with reference to health, and the facilities for obtaining subsistence and transportation. The number of these camps shall not exceed two in each State, without authority from the Department; and to each will be allowed a Quartermaster and a Commissary.

4. The commandant of the camps of instruction in the several States will call upon the Generals commanding the military departments in which their camps may be situated, for competent drill officers to instruct the recruits, and will prepare them for the field as rapidly as possible. They will cause them to be promptly vaccinated; and in ordering them to the field, will, as far as practicable, prefer those who have passed through the usual camp diseases. They will establish hospitals in connection with their camps, and make requisition for such medical attendance and stores as may be required.

5. The commandants of regiments, battalions, squadrons and unattached companies in service on the 16th instant, will send copies of their muster rolls to the commandant of the proper camp of instruction in their respective States, with officers to take charge of such recruits as may be furnished to said corps. The said commandants will apportion the recruits among such corps, in proportion to the deficiency of each, except when otherwise specially directed by the Department, allotting as far as practicable to each such

corps the men from the regions of country in which it has been raised. They will from time to time send off such bodies of recruits as are ready for the field, and will report on the first Monday of every month to the Department, the number of recruits in camp, their condition, the number sent off during the month, and the regiments and corps to which they were sent.

6. The Commandants of regiments and corps will distribute the recruits among their several companies; and in such as have not the number of companies allowed by law to a regiment, the said Commandants may organize the required number of new companies, after first filling up the existing companies to the minimum numbers required by law, that is to say, for each company of Infantry, 64 privates; of Cavalry, 60 privates; of Artillery, 70 privates.

7. The recruits will be apportioned among the several arms of service, according to their respective wants, consulting as far as practicable the preference of the men. Where a greater number offer for a particular arm than can be assigned to it, the distribution will be determined by lot; but recruits for the Cavalry will only be taken from those who furnish their own horses.

III.—*Volunteers for Existing Corps.*

8. Persons liable to military service under the above Act, not in service on the 16th of April, and wishing to volunteer in any particular company of the Confederate service on the 16th day of April, may report themselves prior to their enrolment, at a camp of instruction within their respective States, where they will be enrolled, prepared for the field, and sent to the said company, until the same shall be filled up.

9. Recruiting officers may be detailed, with the permission of the Generals commanding military Departments, by the Commandants of regiments and corps, and sent to their respective States for the purpose of receiving for such regiments and corps, in conformity with recruiting regulations heretofore adopted (General Orders, No. 6), all volunteers desiring to join them. Such volunteers may be assembled at the camps of instruction in their respective States, prepared for the field, and sent to their respective regiments and corps, until the same shall be filled up; or, if ready for the field, may be ordered directly to their corps by the officers so recruiting them.

IV.—*Volunteer Corps heretofore authorized.*

10. Persons liable to military service under this Act, and not in service on the 16th day of April, may, until the 17th day of May next, volunteer in corps heretofore authorized to be raised by the Secretary of War, or by the Executive of any State, as part of the quota thereof, in pursuance of a call made upon such State by the President. Persons authorized to raise such corps, who may not on that day have the necessary number of men enrolled and mustered into service, according to the terms of their authority, will proceed with their men to a camp of instruction in their respective States, and will deliver their muster-rolls to the Commandant thereof.

11. The Commandants of such corps as are completed on or before the 17th day of May, and not otherwise ordered, will report to the Commandants of the recruits of their respective States, and with their corps will be placed by him in a camp of instruction, and reported immediately to the Department. Such corps will be under the command of the Commandants of recruits in their respective States, and will be prepared for the field in like manner with the recruits, until removed from the camp. They will only be moved under orders from the Department, from the Commanding General of the army, or in urgent cases from the Commanding General of the Military Department in which the camps may be situated; and in such cases, report will immediately be made to the Department by the officer in command of the camp.

V.—*Additional Corps. Guerilla Service.*

12. Under the prohibition of this Act against the organization of new corps, no further authority for that purpose can be given, except that specially provided for in the Act of Congress, entitled "An Act to organize bands of Partizan Rangers." For this latter purpose, applications must be made through the Commanding Generals of the Military Departments in which the said corps are to be employed.

VI.—*Reorganization of Twelve-Months Corps.*

13. All regiments, battalions, squadrons, and companies of twelve-months volunteers will reorganize within forty days from the 16th of April, by electing all their officers which they had a right heretofore to elect, and on such days as the Brigade Commander

may prescribe; and the said Brigade Commanders are hereby ordered to fix and announce the day for such reorganization as soon as practicable. No person who is to be discharged under the provisions of the Act will take part in such election.

14. The form of holding and certifying the elections will be in conformity with the laws of the State from which the men, or the major part thereof, may come; and when the election of field officers is to be made by company officers, the latter will be first elected. All certificates of election will be returned to the Adjutant-General's office, and the officers will be commissioned by the President. They will, however, on receiving a copy of the certificate of election, immediately enter upon duty. Officers not re-elected will be relieved from duty, and the Brigade Commander will return their names to the Department.

VII.—*Corps raised for Local Defence.*

15. Corps raised for local defence will retain their organization during the term of such enlistment, unless previously disbanded; but members of such corps may volunteer into corps for general service, as herein above provided.

VIII.—*Discharges.*

16. When any company now in service for twelve months shall, before the 16th day of July next, attain the maximum numbers prescribed by this Act, without including the men under 18 and over 35 years of age, all such men may be discharged, and such of them as remain in service on the said day will, upon their application, be then discharged, whether such maximum be attained or not.

IX.—*Transfers.*

17. The right to change company or corps in virtue of re-enlistment ceases to exist by the repeal of all laws in regard to re-enlistment; but transfers of individuals or of companies may be made, as heretofore, within the discretion of the Department, on applications approved by commanding officers.

X.—*Substitutes.*

18. When any person liable to military duty under this Act, but not yet mustered into service in any company, desires to furnish a substitute, he shall report himself with the substitute to the commandant of a Camp of Instruction; and if the substitute be lawfully exempt from military duty, and on examination by a Surgeon or Assistant-Surgeon be pronounced sound and in all respects fit for military service, he may be accepted and enrolled; and the person furnishing such substitute may be discharged by the Commandant of the Camp. But no substitute shall be entitled to transportation or other allowance at the expense of the Government until so accepted and enrolled.

XI.—*Exemptions.*

19. Persons claiming exemption from military duty under this Act shall be required by the enrolling officer to make oath that they are lawfully exempt, and shall be furnished by him with a certificate of such exemption.

By command of the Secretary of War,

(Signed) S. COOPER, *Adjutant and Inspector-General.*

No. 10.

Acting Consul Fullarton to Earl Russell.—(Received November 27.)

My Lord,

Savannah, October 17, 1863.

I HAVE the honour to inclose copies of my letters to Mr. Benjamin on behalf of British subjects forcibly enlisted, and the reply of that gentleman conveying to me the President's order to depart promptly from the Confederacy, and in the meantime to cease the exercise of any Consular functions within its limits.

In his Proclamation calling for volunteers for State defence, the Governor of Georgia informed the people that the force so raised was to be used solely for the purpose of repelling raids or incursions by the Federalists against their homes and property; that it was not contemplated to interrupt their ordinary avocations unless in case of such sudden emergency, and then only until the emergency was over, and that in no case would they be required to meet the regular army of the United States.

The pressing necessity for recruiting armies wasted by the ravages of war, the presence of a large Federal army upon the borders of the State, and information received

by myself, led me to suspect that just so soon as this force should be organized and transferred from State to Confederate control, Governor Brown's promises or pledges would not be fulfilled.

Events proved the correctness of my anticipations. From all the upper and middle portions of the State these troops were ordered to report at Atalanta, the head-quarters of General Bragg, for no other purpose than that of reinforcing the Confederate army under that officer; and I beg your Lordship to notice that Mr. Benjamin does not attempt to controvert the statement. Accordingly, when Governor Brown refused my application, I deemed it to be my duty, under the instructions embodied in your Lordship's despatch of the 11th October, 1862, and in those of Lord Lyons of the 12th November, 1861, and 14th March, 1862, to give British subjects the advice to which exception has been taken, and on which the action of President Davis is based.*

* *Circular addressed by Lord Lyons to Her Majesty's Consuls in Southern States.*

Sir,

Washington, November 12, 1861.

Her Majesty's Secretary of State for Foreign Affairs has under his consideration, and has referred to the proper Law Advisers of the Crown, a despatch dated the 31st of July last from Her Majesty's Consul at Charleston, applying for instructions with regard to the question of the liability of British subjects to perform military service in this country.

With reference to my previous instructions to you on this subject, I have to state to you that the question which has now practically arisen, under very peculiar circumstances, is one not admitting of a satisfactory solution by being left to the determination of the ordinary municipal laws and Courts of the several States, as might be the case under ordinary circumstances.

Whilst Her Majesty's Government might be well content to have British subjects voluntarily domiciled in a foreign country, liable to all the obligations incident to such foreign domicile, including, where imposed by the municipal law of such country, service in the militia or national guard, or local police, for the maintenance of internal peace and order, or even, to a limited extent, for the defence of the territory from foreign invasion, it is not reasonable to expect that Her Majesty's Government should in the present state of things in this country remain entirely passive under the treatment to which it appears British subjects are actually exposed in some of the States; such, for instance, as being embodied and compelled to serve in regiments, perhaps nominally of militia, while they would be really exposed not only to the ordinary accidents and chances of war, but also to be treated as rebels and traitors in a civil war, involving many questions in which they, as aliens, cannot, simply by reason of their domicile, be supposed to take interest, as to which they may be incompetent to form an opinion, and in the determination of which they are precluded from freedom of choice and action. No State can justly frame laws to compel aliens resident within its territories to serve against their will in armies ranged against each other in a civil war, and *à fortiori*, in the absence of any such law, they cannot enforce the service.

I was, however, able to state on the 4th of July last, that in no case, either in the Northern or Southern States, had the discharge of a British subject, enlisted against his will, been to my knowledge refused or delayed, on proper representations being made by one of Her Majesty's Consuls or by myself; and Her Majesty's Government have therefore concluded that the desired exemption is practically conceded. Should this, however, not continue to be the case, Her Majesty's Government will consider whether it is not expedient to invite those foreign Governments which are interested in this question to unite with them in such representations as may be likely to secure to aliens the exemptions which would be now so highly desirable.

Her Majesty's Government assume that there is no hope of securing in practice, especially in South Carolina, any legal decision of a competent Court favourable to the exemption as a matter of right.

I am, &c.

(Signed) LYONS.

Lord Lyons to Consul Molyneux.

Sir,

Washington, March 14, 1862.

I have received your despatch of the 27th ultimo, and have learned from it with great regret that Her Majesty's subjects residing in the State of Georgia are in danger of being pressed into the military service of that State, or of the so-called Confederate Government.

The view of Her Majesty's Government respecting the compulsory enlistment of British subjects in military bodies to be employed in the existing civil war were communicated to you in my despatch of the 12th November last. In conformity with those views, I have to instruct you to use your utmost endeavours to prevent *bonâ fide* British subjects being pressed into the military service. I authorize you to remonstrate in case of need, not only with the authorities of the State of Georgia, but with the *de facto* Government at Richmond. At the same time, I am well aware that the lives and property of British subjects might be brought into serious and immediate danger in a time of excitement by any imprudent proceedings on your part; I therefore leave it to your discretion to decide upon the particular measures to be taken with a view to obtain the exemption of our fellow-subjects from compulsory enlistment.

I must beg you to bear in mind that it is the desire of Her Majesty's Government that no mention of Her Majesty's Legation at Washington be made in communications with the *de facto* authorities, whether of the individual States or of the general Government of the so-called Confederate States. You will in all such communications, whether they be verbal or written, carefully avoid mentioning any allusion to me or this Legation.

I forwarded to Earl Russell a copy of your despatch of the 27th ultimo, and I shall also send his Lordship a copy of this answer to it.

I am, &c.

(Signed) LYONS.

Circular addressed to Her Majesty's Consuls in the Confederate States of North America.

Sir,

Foreign Office, October 11, 1862.

Her Majesty's Government have had their attention called to the forcible enlistment of British subjects in the army of the so-called Confederate States.

From the inclosed General Order of General Cobb your Lordship will observe the purpose of the Government to require from these troops a service different from that which, by Governor Brown's Proclamation, they were led to expect.

I have, &c.
(Signed) A. FULLARTON.

Inclosure 1 in No. 10.

Acting Consul Fullarton to Mr. Benjamin.

Sir,

Savannah, October 1, 1863.

COMPLAINT having been made to me by J. C. Peters, a British subject residing in Columbus, Georgia, that he has been compelled to enter military service under Governor Brown's order for a draft to complete the number of 8,000 men required from this State for State defence, and having failed to secure his exemption from Governor Brown while the force was under his command, it becomes my duty to apply to you on his behalf now that I observe from Major-General Cobb's General Order No. 7, dated at Atalanta the 29th of September, that these troops have been turned over to the Confederate Government.

Whilst Her Majesty's Government might be well content to leave British subjects voluntarily domiciled in a foreign country liable to all the obligations incident to such foreign domicile, including, where imposed by the Municipal law of such country, service in the Militia or National Guard or local police, for the maintenance of internal peace and order, or, even to a limited extent, for the defence of the territory from foreign invasion, it is not reasonable to expect that Her Majesty's Government should, in the present state of things in this country, remain entirely passive under the treatment to which British subjects are exposed,—such, for instance, as being compelled to serve in regiments nominally of Militia, while they would be really exposed, not only to the ordinary accidents and chances of war, but also to be treated as rebels and traitors in a civil war involving many questions in which they as aliens cannot simply, by reason of this domicile, be supposed to take interest, as to which they may be incompetent to form an opinion, and in the determination of which they are precluded from freedom of choice and action. No State can justly frame laws to compel aliens resident within its territories to serve against their will in armies ranged against each other in civil war, and, *à fortiori*, in the absence of such laws they cannot enforce the service.

To these considerations must be added the fact that the persons who are the victims of this forced enlistment are forbidden, under severe penalties, by the Queen's Proclamation, to take any part in the civil war now raging in this country, and that thus they are made, not only to enter a military service contrary to their own wishes, and in violation

I have to instruct you to lose no time in remonstrating strongly against such a proceeding on the part of the authorities of those States.

British subjects domiciled only by residence in the so-called Confederate States cannot be forcibly enlisted in the military service of those States, by virtue of an *ex post facto* law, when no municipal law existed at the time of the establishment of their domicile, rendering them liable to such service.

It may be competent to a State in which a domiciled foreigner may reside to pass such an *ex post facto* law, if at the same time option is offered to foreigners affected by it to quit, after a reasonable period, the territory, if they object to serve in the armies of the State: but without this option such a law would violate the principles of international law; and even with such an option, the comity hitherto observed between independent States would not be very scrupulously observed.

The plainest notions of reason and justice forbid that a foreigner admitted to reside for peaceful and commercial purposes in a State forming a part of a Federal union should be suddenly, and without warning, compelled by the State to take an active part in hostilities against other States which, when he became domiciled, were members of one and the same Confederacy; which States, moreover, have threatened to treat as rebels, and not as prisoners of war, all who may fall into their hands.

To these considerations must be added the fact that the persons who have been the victims of this forced enlistment are forbidden under severe penalties by the Queen's Proclamation to take any part in the civil war now raging in America, and that thus they are made, not only to enter a military service contrary to their own wishes, and in violation of the tacit compact under which they took up their original domicile, but also to disobey the order of their legitimate Sovereign.

You will urge these several considerations on the *de facto* authorities of the Confederate States, adding that Her Majesty's Government confidently hope and expect that no further occasion for remonstrance will arise on this point.

I am, &c.
(Signed) RUSSELL.
G 2

of the tacit compact under which they took up their original domicile, but also to disobey the order of their legitimate Sovereign.

I have always understood that the men composing this force for State defence were only expected to defend their homes from sudden incursions or raids from the Federal forces, and that it was not contemplated to take them from their homes, or to interrupt their ordinary avocations, unless in case of such sudden emergency. But it appears that they are ordered into camp for the purpose of being incorporated with and made part and parcel of General Bragg's army now confronting the Federal forces in the upper part of this State. You must admit that service for such a purpose is simply conscription under another form.

Under my instructions I have felt it to be my duty to advise British subjects that, whilst they ought to acquiesce in the service required so long as it is restricted to the maintenance of internal peace and order, whenever they shall be brought into actual conflict with the forces of the United States, whether under the State or Confederate Government, the service so required is such as they cannot be expected to perform.

I respectfully submit that Peters, as a *bonâ fide* British subject, is entitled to exemption from service, and beg that you will release him from a position which forces him to violate that neutrality insisted on in Her Majesty's Proclamation.

I may mention that Peters was a member of a company of foreigners tendered to and accepted by the Mayor of Columbus for police duty, but, when drafted, was assigned to a company from that city commanded by Captain Brooks.

I am, &c.
(Signed) A. FULLARTON.

Inclosure 2 in No. 10.

Acting Consul Fullarton to Mr. Benjamin.

Sir,

Savannah, October 3, 1863.

WITH reference to my letter of the 1st instant, I have the honour to request you to consider the representations therein on behalf of J. C. Peters, as made also on behalf of the following British subjects, namely:—Alexander Pratt, Anthony Cadman, Michael Riley, and Henry Stephenson, of Columbus, and William Gray, of La Grange, Georgia.

Yours, &c.
(Signed) A. FULLARTON.

Inclosure 3 in No. 10.

Mr. Benjamin to Acting Consul Fullarton, October 8, 1863.

[See Inclosure 2 in No. 8.]

Inclosure 4 in No. 10.

General Orders (No. 10).

*Head Quarters, Georgia State Guard,
Atalanta, October 10, 1863.*

1. THE State troops under the command of Major-General Howell Cobb will hereafter be known and designated as the "Georgia State Guard."

2. The troops not yet called out are urged to complete their regimental organizations as required by General Orders No. 7, current series, from these head-quarters. As soon as a regiment is organized the fact will be reported to these head-quarters. The field-officers of regiments organized prior to the 1st November next will be elected by the men; after that date, the companies not attached to regiments or battalions will be organized into regiments by order, and the field officers appointed by the President of the Confederate States. In cases of organized battalions, companies will be added to complete the regiment, and the additional field officers appointed by the President.

3. The commanding General desires all regiments, as soon as formed, to report to these head-quarters whether or not they are willing, without reference to territorial limits, to defend their State wherever assailed or threatened. With the enemy in overwhelming

numbers upon our borders, and just driven by our gallant army from the soil of our own State, he feels that the appeal will not be made in vain to Georgians to come forward and follow the patriotic example of their brethren now in the field, who have declared their willingness to waive all territorial claims, and go wherever the interest and safety of the State require them to go. He confidently trusts that none will be found willing to swell the ranks of the "solitary exception" who failed to respond to the call made upon those now in the field.

4. Conscript officers claiming persons in the ranks of the Georgia State Guard, as liable to conscription, will present their claims to the commanding officer of the regiment, battalion, or company when unattached, whose duty it is to examine and decide the question of such liability, which can be reviewed, if necessary, at these head-quarters, and finally by the Department at Richmond. Conscript officers can reach the men in the ranks only through their commanding officer. Commissioned officers in service are not subject to conscription.

By command of Major-General Howell Cobb,
(Signed) R. J. HALLETT, *Acting Assistant Adjutant-General.*

No. 11.

Lord Lyons to Earl Russell.—(Received December 9.)

My Lord,

Washington, November 20, 1863.

I RECEIVED on the 15th instant from Mr. Acting Consul Walker a copy of his despatch to your Lordship of the 19th ultimo, inclosing papers which had been published in the Southern newspapers, with reference to the expulsion of the British Consular Agents from the so-called Confederate States.

Among these papers I found a despatch from Mr. Benjamin to Mr. Mason, dated the 11th of June last, which I read for the first time, and a despatch from Mr. Benjamin to Mr. Slidell, dated the 8th ultimo, of which I had before seen only the first and last paragraphs.

Mr. Benjamin objects very strongly to the British Consuls in the Southern States being under the orders of Her Majesty's Legation at Washington. This objection does not appear to me to be by any means unreasonable. I have indeed, as your Lordship is aware, long been of opinion that the connection between this Legation and the Consulates in the South was embarrassing and inconvenient, with regard both to the Government of the United States and to the *de facto* Government of the Confederate States.

With respect to the particulars of Mr. Cridland's appointment as Acting Consul at Mobile, Mr. Benjamin's information is not quite accurate. Mr. Cridland was appointed Acting Consul at Mobile in pursuance of the instruction contained in your Lordship's despatch to me of the 17th February last.* He never held any commission or letter of appointment from me. I communicated your Lordship's instruction to Mr. Moore, Her Majesty's Consul at Richmond; and I desired him to address a letter to Mr. Cridland, stating that Her Majesty's Government had been pleased to direct that he should temporarily take charge of Her Majesty's Consulate at Mobile. I added a special caution to Mr. Moore not to make any mention in the letter either of me or of this

* *Earl Russell to Lord Lyons.*

My Lord,

Foreign Office, February 17, 1863.

I have to state to your Lordship that if you have any difficulty in finding on the spot a suitable person to take over the Consulate at Mobile from Mr. Magee, I should think no better arrangement could be made than to desire Mr. Cridland to undertake the duty.

Your Lordship will be best able to judge whether the presence of a Consular Agent at Mobile is constantly required for the protection of British subjects, or whether it would be sufficient for Mr. Cridland only to visit Mobile occasionally.

In either case, however, it would be necessary to provide Mr. Consul Moore with a temporary substitute for Mr. Cridland; and further bearing in mind Mr. Moore's representations as to the impossibility of carrying on the business at Richmond without further assistance, I have to instruct your Lordship to authorize Mr. Moore to engage such temporary assistance as he may satisfy you is really necessary, and as soon as I hear from you what expense will be involved in so doing I will make a corresponding augmentation to the special allowance now granted to Mr. Moore.

If Mr. Cridland should be obliged to reside permanently at Mobile he would be permitted to draw the same pay and allowances as have been granted to Mr. Magee; otherwise your Lordship will award to him such an allowance as may appear reasonable to cover his expenditure and to serve as remuneration for the performance of his duties.

I am, &c.
(Signed) RUSSELL

Legation. In point of form, therefore, there was, I presume, nothing to object to in the letter of appointment held by Mr. Cridland. But when Mr. Magee was dismissed, your Lordship instructed me to make provision for the appointment of a qualified person to carry on the Consular duties at Mobile, and in execution of this instruction I had requested M. Portz, the French Consul, to take charge temporarily of the British Consulate. It was therefore necessary, when Mr. Cridland was appointed, that I should write to ask M. Portz to transfer the Consulate to him. My letter to M. Portz was seen by some of the Confederate authorities at Mobile. It was specially addressed to M. Portz, and it expressly stated that it was by Her Majesty's Government that Mr. Cridland was directed to take charge of the Consulate at Mobile; but it appears to have been represented to Mr. Benjamin as a letter of appointment from me to Mr. Cridland. But however this may be, it does not seem to me to be unnatural or unreasonable that the Confederate authorities should view with displeasure even the merely formal intervention of this Legation in the appointment of Consular officers in the Confederate territory.

Mr. Benjamin's complaint concerning the dismissal of Mr. Magee by Her Majesty's Government is less reasonable. Mr. Magee was dismissed for assisting persons in the Confederate States to export specie from a blockaded port, and this was an act manifestly inconsistent with his duty as the officer of a neutral Sovereign, and a flagrant violation of the Queen's Proclamation. It is not, however, surprising that my endeavours to prevent Mr. Magee's committing this breach of blockade should have increased the displeasure with which the Confederates viewed the connection between this Legation and the Southern Consulates. Mr. Benjamin's dissertation on the duty of paying debts may, indeed, be passed over, as entirely beside the question. I was of course as desirous as any one could be that money due to British subjects should be remitted to them; and I have ever been most anxious to diminish in every possible way, not inconsistent with positive duty, all the hardships inflicted on my countrymen by the blockade. But to export specie from Mobile was a manifest breach of the blockade of that port, and to send it through the blockading squadron in a British man-of-war was a direct violation of the understanding with the United States' Government in virtue of which Her Majesty's ships communicated with the blockaded ports. So long therefore as Her Majesty's Consuls in the South were under my orders, it was undoubtedly my duty to prevent their being concerned in any such proceeding. It so happened that the Confederate authorities were, at the time, particularly anxious to find the means of exporting specie, in order to pay for munitions of war procured in Europe; and it appeared afterwards that they had hoped that the British Government would allow Her Majesty's ships to be employed to carry through the blockading squadron specie sent in payment of purchases of this description made in Great Britain. It was natural therefore that my attempt to prevent the breach of blockade at Mobile, and the dismissal of Mr. Magee by Her Majesty's Government for being concerned in it, should be regarded with displeasure by the Confederates. It was of course equally my duty to hinder the British Agents under my orders from committing breaches of blockade, whatever might be the article to be exported, and whatever reasons the belligerent whose ports were blockaded might have for desiring the exportation of it. But it is not surprising that this affair should have increased the susceptibility of the Confederates with regard to the connexion between this Legation and the Southern Consulates.

I have, &c.
(Signed) LYONS.

No. 12.

Acting Consul Fullarton to Earl Russell.—(Received February 1, 1864.)

My Lord,

Savannah, October 23, 1863.

I HAVE the honour to inclose to your Lordship a copy of my reply to Mr. Benjamin's despatch to me of the 8th instant, conveying the President's order to depart promptly from the Confederacy, and in the meantime to cease the exercise of Consular functions.

Mr. Benjamin has thought proper to publish his despatch to me in the Richmond newspapers.

Having had committed to my charge the interests of several parties absent in Europe, which my departure would seriously injure, I have requested Mr. Benjamin to

rescind that portion of the order requiring me actually to withdraw from the Confederacy.

I have, &c.
(Signed) A. FULLARTON.

Inclosure in No. 12.

Acting Consul Fullarton to Mr. Benjamin.

Sir,

Savannah, October 22, 1863.

I HAVE the honour to acknowledge the receipt, on the 14th instant, of your despatch to me of the 8th, communicating to me the President's order that I should promptly depart from the Confederacy, and in the meantime cease to exercise any Consular functions within its limits.

Your despatch conveys to me the reasons which have induced this action. These reasons have no existence in fact, and I should content myself with a simple denial of the charges you make were it not that you found them upon language used by me which I should have supposed could not fairly be misconstrued; but as it has been so strangely misinterpreted, and such serious and I may say unheard of charges have been preferred by you against Her Majesty's Government and against all Her Majesty's Consuls in the Confederacy, it seems to be due to them at least that I should endeavour to disabuse your mind.

In the first place I will observe that your accusations are made against Her Majesty's Consular servants in the plural number. Mr. Cridland, of Mobile, has not exercised any of the functions of his office; therefore Mr. Walker, Her Majesty's Acting Consul in Charleston, and myself, are the only officers to whom your charges can refer. Mr. Walker will doubtless deal with the matter in his own way, and I propose to defend myself only.

That you may be under no mistake as to what my instructions in reference to the service of British subjects in the armies of the Confederacy or any of the Confederate States really are, I will here repeat them, viz.:—"That the plainest notions of reason and justice forbid that a foreigner admitted to reside for peaceful and commercial purposes in a State forming a part of a Federal Union should be suddenly and without warning compelled by the State to take an active part in hostilities against other States which, when he became domiciled, were members of one and the same Confederacy."

Therefore, both in contemplation of the organization of the militia of the State of Georgia, and in anticipation of a State draft from that organization for purposes inconsistent with that instruction, it was my duty to advise such of Her Majesty's subjects as might be enrolled for militia service and subjected to such draft, in the language you have first quoted; and unless you possess the information that all Her Majesty's subjects in the State of Georgia have enlisted in Confederate service, I am at a loss to understand how you can regard this as an assumption on my part of "the power of determining whether enlisted soldiers of the Confederacy are properly bound to its service."

The second quotation of my language is as easily explained. Militia service is peculiarly an organization for neighbourhood defence, and if a British subject, being a militia-man, is called from his neighbourhood, which is properly defined by the word home, or involuntarily drafted into service for which he is not liable, I have done no wrong in directing him to refuse the required service by rejecting the arms that may be thrust upon him; and it is this advice to British subjects, not enlisted, but willing to perform all that the laws of the State can justly require of them, that you have been pleased to magnify into advice "to soldiers of the Confederate armies to throw down their arms in the face of the enemy." It seems to me impossible to read the language you have quoted without perceiving that it has no application at all to the enlisted Confederate soldier, unless, as I said before, you assume that all British subjects have enlisted in Confederate service, and I should imagine it is not necessary for me to tell you that the fact of enlistment deprives the soldier of all protection, as of right, from the consequences of his enlistment.

Having thus shown how extravagant is the construction you have placed upon my language, I have only to deny the correctness of every conclusion you have drawn and every assertion you have made. I have not failed to forward to Her Majesty's Government a copy of your despatch, and I shall inform them of the publication and circulation you have thought proper to give to it.

I am, &c.
(Signed) A. FULLARTON.

NORTH AMERICA.

No. 13. (1864.)

Correspondence respecting the Removal of British
Consuls from the so-styled Confederate States of
America.

*Presented to the House of Commons by Command
of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS

NORTH AMERICA.

No. 14. (1864.)

CORRESPONDENCE

WITH

MR. MASON,

COMMISSIONER OF THE SO-STYLED
CONFEDERATE STATES OF AMERICA.

(In continuation of Papers presented to Parliament in
March 1863.)

Presented to the House of Commons by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence with Mr. Mason, Commissioner of the so-styled Confederate States of America.

No. 1.

Mr. Mason to Earl Russell.—(Received March 2.)

24, Upper Seymour Street, Portman Square,
London, March 2, 1863.

My Lord,

I HAVE the honour to transmit herewith to your Lordship, as Her Majesty's Secretary of State for Foreign Affairs, a copy of a despatch from the Secretary of State of the Confederate States of America, bearing date December 10, 1862, which was received by me on the 25th of February ultimo.

I do this, as your Lordship will perceive, pursuant to instructions at the close of the despatch, directing me to furnish a copy to your Lordship at the earliest moment.

I avail myself of the occasion to acknowledge the receipt of your Lordship's letter of the 19th of February ultimo, in reply to mine of the 16th, respecting the blockade of the ports of Galveston and Charleston; and also of your Lordship's letter of the 27th of February, in reply to mine of the 18th of that month.

The contents of both shall be communicated, as soon as practicable, to the Government at Richmond.

I have, &c.
(Signed) J. M. MASON.

Inclosure in No. 1.

Mr. Benjamin to Mr. Mason.

Sir, *Department of State, Richmond, December 11, 1862.*

THE recently published correspondence between the Cabinets of France, Great Britain, and Russia, indicates that the period is fast approaching when the dictates of reason, justice, and humanity will be respected, and our undoubted right to recognition as an independent nation be acknowledged. This recognition must, in the nature of things, be followed by a speedy peace.

The consideration of the effects which will be produced by this event, on the commercial relations of the Confederacy, evokes deep solicitude, and it becomes my duty to communicate to you the instructions of your Government on this important subject.

It is necessary to keep in view the very exceptional condition in which the present war has placed the Confederate States, in order to form a just estimate of the probable results of the renewal of peaceful relations between the belligerents.

The almost total cessation of external commerce for the last two years has produced the complete exhaustion of the supply of all articles of foreign growth and manufacture, and it is but a moderate computation to estimate the imports into the Confederacy at 300,000,000 dollars for the first six months which will ensue after the Treaty of Peace. The articles which will meet with most ready sale (and in enormous quantities), as soon as our country is open to commerce, are textile fabrics, whether of wool, cotton, or flax; iron and steel, and articles manufactured therefrom in all their varieties; leather and manufactures of leather, such as shoes, boots, saddlery, harness, &c.; clothing of all kinds; glass; crockery; the products of the vine, whether wines, brandies, or liqueurs; silk and

all fabrics of silk ; hats, caps, &c. ; the large class of commodities known as " articles de Paris ;" the " comestibles " of France, including not only preserved meats, game, and fish, but fruits, vegetables, confectionery, and sweetmeats ; salt ; drugs ; chemicals ; stationery ; manufactures of brass, lead, pewter, tin ; together with an innumerable variety of other articles of less importance.

In exchange for these importations, we have to offer the cotton, tobacco, and naval stores accumulated in the Confederacy. They are of much larger value, even at half their present prices, than the amount of importations estimated as above for the first six months ; indeed, I feel confident that at one-third the present European prices for our staples, we have exchangeable value for the whole 300,000,000 dollars in these three enumerated articles, independently of rice, ship timber, and other productions of the field and forest. It must, however, be admitted as not improbable, that a considerable quantity of these accumulated products may be destroyed by us, in order to avoid their seizure by the enemy, in such portions of the country as may become readily accessible to their gun-boats, during the approaching season of high water. This necessity is imposed on us, as you are aware, by the fact that the troops of the United States pay no respect to private property, even of neutrals or non-combatants, but appropriate to themselves every article of moveable property that they can reach in any part of the country.

Notwithstanding the exasperation of feeling against the United States now prevalent in the Confederacy, no statesman can fail to perceive that on the restoration of peace the commercial intercourse between the present belligerents must necessarily be placed on such a basis as to accord to each other the same terms and conditions as are accorded to friendly nations in general. It is scarcely to be supposed, that a Treaty of Peace could be concluded that should leave it optional to either party to wage a war of hostile tariffs, or special restrictions against the other ; nor would such a state of things be desirable, if possible, for it would be manifestly incompatible with the maintenance of permanent peaceful relations. It must be conceded, therefore, that the final cessation of hostilities will open to the United States access to the markets of the Confederacy, as free as that which may be conceded to European nations in general.

In view of this condition of affairs, it is not difficult to predict the probable results on the commerce of the Confederacy, which will immediately be developed unless prevented by some counteracting influence :—

1. The first consequence to be anticipated is that our land will be pervaded by agents of the Northern merchants, who will monopolize those products of the South from which Europe has been so long debarred, and which are so needful to its prosperity. The cotton, tobacco, and naval stores of the South will become at once the prize of Northern cupidity, and will only reach Europe after having paid heavy profits to these forestallers.

Nor will the amount of the profits exacted be the only loss entailed on Europe. The purchase of the raw material at lower cost would give to the manufacturers of New England an advantage over their European rivals much more important than the mere original excess of outlay to which the latter would be subjected.

2. Such are the necessities of our people, and so eager will be their desire to avail themselves of the first opportunity for procuring commodities which they have cheerfully foregone as long as privation was the price of liberty, that it will be nearly impossible to prevent the enormous demand for necessary supplies from being satisfied almost exclusively by the North, which will avail itself of its close proximity to preoccupy so inviting a field of richly remunerative commerce.

3. The current of trade will thus, at the very outset of our career, continue to flow in its ancient channels, which will ever be deepened ; and our commerce with Europe, instead of becoming direct, to mutual advantage, as we have for years desired, will remain tributary to an intermediary. The difficulty of diverting trade from an established channel has become proverbial, and in our case the difficulty would be enhanced by the causes just indicated.

These contingencies cannot be contemplated without deep concern. During the whole period of the existence of the Southern States, their pursuits have been almost exclusively agricultural : they possess scarcely the semblance of a commercial marine, nor can they hope to acquire one sufficient for the exchange of their products, till after the lapse of a number of years ; and a still longer period must intervene before they can expect to provide by their own manufacture a supply of many articles of necessary consumption. In addition to the difficulties necessarily inherent, under any circumstances, in the task of creating the navigation and the manufactures required for a population of over ten millions of people, there exist, in the South, obstacles resulting from the education, habits, tastes, and interests of its citizens. For generations they have been educated to prefer agricultural to other pursuits, and this preference owes its origin to the fertility of their soil and the

genial influences of their climate, which render those pursuits not only more attractive to their tastes, but more lucrative than those of the manufacturer or the seaman. It is certain, therefore, that for many years the carrying trade of the Confederacy, both foreign and coast-wise, will be conducted, and its supplies of manufactured articles will be furnished, by foreign countries, in exchange for the products of its soil.

It is the most earnest desire of this Government and people, that a commerce so large and profitable as that which they tender to mankind, shall not be monopolised by the United States, and that a direct trade with Europe shall furnish to us all articles the growth or manufacture of that continent. They are well aware, that from proximity the Northern States possess a natural advantage over any European rival for much of our trade; but the value of their political independence would, in their estimation, be greatly impaired if the result of the war should leave them in commercial dependence, by giving to those States the additional enormous advantage arising out of the present exceptional condition of the South. Unless some preventive measures be adopted, the exchanges of the South for staples accumulated during the two years of the war will be practically effected during the first two months of peace, and will enure to the almost exclusive benefit of that Power whose wicked aggressions have already entailed so much misery and distress, not only on ourselves, but on the rest of the civilized world.

It is scarcely possible to refrain from the reflection, that consequences so hostile to the interests of Europe, as well as our own, have been produced by a policy, on the part of certain European Powers, in disregard of the plainest dictates of international law, as well as of implied promises to ourselves. If Europe had asserted its unquestioned right to resist a predatory cruise carried on against its commerce on 3,000 miles of our coast by the ships of the United States, under pretext of a blockade of our ports, we should not now be engaged in an effort to avert the disastrous effects to European interests which must be anticipated from the causes above pointed out. Our markets would not now be denuded of all supplies of European commodities, and, on the restoration of peace, the North would possess, in the competition for our commerce, none of the abnormal advantages which we now seek to neutralise. It is far from our purpose, in the expression of this view, to indulge in vain recrimination, but the suggestion is made in the hope that neutral nations will be induced, not only by a regard to their own interests, but by the higher obligations of justice and duty, to co-operate in the endeavour to obviate any further ill effects of a policy which experience now justifies us in pronouncing to have been at least unwise.

What are the practical measures which can be devised for this purpose? What can be done to prevent consequences which we frankly avow would be considered by us as a national calamity, as well as a source of deep mortification? The difficulties are great, but not, perhaps, insurmountable, especially if you can succeed in exciting the solicitude of the Court to which you are accredited, and awakening it to the magnitude of the interests of neutral nations involved in the subject. It is one which our position has forced upon our attention, and which it is not unnatural to suppose has been considered by us with more care than by those less intimately conversant with the state of our affairs on this side of the Atlantic. Without, therefore, restricting you as to the adoption of any other measures that may be proposed, or may occur to your mind, you are instructed to urge the different points which I now proceed to suggest:—

1. In order to prevent the monopoly by the Northern States of the accumulated staples now held by our people, no measure seems less objectionable, nor more appropriate, than to encourage the merchants of neutral nations to purchase in advance these products, and to leave them here in *dépôt* till the ports are opened. This course would already have been adopted to a very considerable extent (as I am aware from numerous applications made to this Department), if the staples thus purchased could be guaranteed against destruction by the respective belligerents. The remedy for this seems to be very simple, and entirely within the reach of neutral Powers, but they have hitherto, for reasons doubtless satisfactory to themselves, but which we are unable to conjecture, declined to adopt it.

The case stands thus. In the language of Mr. Phillimore, “there is no more unquestionable proposition of international law, than the proposition that neutral States are entitled to carry on, upon their own account, a trade with a belligerent.” The United States, however, do not concern themselves with unquestionable propositions of international law, nor have they even affected, during the present war, to refrain from any exercise of power against neutrals which seemed to offer the slightest momentary advantage. General Butler still continues to imprison and rob indiscriminately foreign merchants and native citizens of New Orleans: and in no place where the forces of the United States penetrate, is there a moment’s hesitation in appropriating any neutral property to their use. This universal robbery by the enemy of all private property forced upon this Government the necessity of destroying everything moveable, as fast as it became exposed to imminent

danger of pillage. In this state of the case, the Department was addressed by agents of foreign merchants, desirous of purchasing our staples, and storing them until peace should be restored, with the request that special instructions should be given to exempt from such destruction the property thus purchased. This Government could have no possible motive for destroying neutral property, but every dictate of policy counselled, on the contrary, that we should protect it. We could not consent, however, that neutral property should be seized by the enemy, and converted to its use; for we would thus have been supplying him with the means of continuing hostilities against ourselves. The effect of such action on our part, may be readily illustrated. Cotton is worth at least 200 dollars a bale, in specie, in the United States; and not more than one fifth of that sum in the Confederacy. Thus, on the supposition that only 100,000 bales of cotton belonging to neutrals should be seized and appropriated by the United States, they would be provided with 20,000,000 of dollars in specie, and if called on to respond in damages by neutral Powers would seek to escape responsibility, and perhaps succeed in so doing, by reimbursing to the neutral owners, after some years of diplomatic correspondence, the fifth of that sum, as being the value of the cotton at the time and place of its seizure. The simplest instincts of self-defence required us to defeat such machinations; and this Department therefore made answer to the applications of neutral merchants, that this Government would protect their property against destruction upon receiving any satisfactory assurance from their own Governments, that the property would be effectually protected against seizure and appropriation by the enemy, if it fell into his hands. This answer seems to have been submitted to the Government of Her Britannic Majesty by different British Consuls, and to have elicited a reply to which extensive publicity was given. This reply, dated the 10th of August, 1862, and signed by Her Britannic Majesty's Chargé d'Affaires at Washington, is confined to an acknowledgment of the right of this Government to act in the manner already mentioned; but omits giving to British subjects any assurance of protection against spoliation by the United States. No action on the subject has been taken by any other neutral Power, if we are fully informed; and the whole matter seems *res integra*, so far as the present inquiry is concerned; for it is impossible to interpret the mere silence of the British Cabinet on this point as an abandonment of the right of protecting British subjects against unlawful spoliation.

2. In order to prevent the United States from preoccupying, for their exclusive benefit, the market for foreign merchandise which the South will present as soon as peace is declared, several suggestions occur.

It would, in the first place, seem not to be impracticable for the several European Governments, pending the negotiations which must necessarily precede the final settlement of the terms of a Treaty, to devise some means for communicating, in advance, to their merchants the assured conviction of an early renewal of commerce with the Confederacy, and to encourage the formation in their West India Colonies of large depôts of the supplies known to be needed here ready for immediate introduction into the Confederacy. Such measures, accompanied by the necessary arrangements for the speediest transmission to these depôts of the news of the opening of commerce, would aid, to some extent, in the accomplishment of the objects desired. A large number of the merchant-ships required for the transportation of these supplies would also meet with ready sale in the ports of the Confederacy, especially if screw-steamers suitable for future direct trade with Europe, or for Government transport-ships. And the efficiency of this measure would be greatly increased if accompanied by the prompt operation of one or more lines of steamers between European and Southern ports.

But the only effective remedy for preventing Northern monopoly, and for neutralizing the unjust advantages which the United States, at the expense of Europe, would seek to secure from their violent infractions of international law, would be to place the Confederacy in the same condition relative to foreign supplies as was occupied by it prior to the declaration of the blockade of the entire coast; a declaration which for the first time in history has been respected as legal by neutral Powers. To this end, no measure seems better adapted than that proposed by His Imperial Majesty of France to the Cabinets of Great Britain and Russia in the correspondence already adverted to. An armistice for six months, "during which every act of war, direct or indirect, should provisionally cease, on sea as well as on land," would give to European Powers that opportunity which justice demands for placing within the Confederacy the supplies, and making the purchases, that would long since have been effected but for the unjust interference by the United States with neutral rights; and thus enforce against that aggressive Power the rule of universal equity that none shall be allowed to profit by their own misdeeds. Neutral nations would thus be reintegrated in the possession of their "unquestionable" right to "trade for their own account with a belligerent;" and upon the final cessation of hostilities would enter into the competition for our trade, then open to the world, upon conditions approximating

equality with the North: a result eminently desirable for the common interests of all, and scarcely attainable in any other manner.

Even if the blockade were continued during an armistice, the object desired could be greatly promoted. The cessation of our foreign commercial intercourse has been caused not by the blockade of our ports, but by a general cruise on the coast against all neutral commerce, and the seizure of neutral vessels bound to points where not a blockading vessel was stationed. We have now numerous ports where there is not a single blockading vessel, but no neutral trader dares sail for them for fear of capture on the high seas by the Federal cruisers. If Europe, even at this late date, would put an effectual stop to this outrage on its rights of trade with a belligerent, we would soon be so well supplied with her manufactures, and she would obtain so large a supply of our staples, as would effectually deprive the North of the profits it hopes to reap by the unprecedented acquiescence of all nations in its interdict against their trade with us. In the event of an armistice the cruise against neutral vessels could not, of course, be continued, even if the blockade were respected in ports where a blockading force is stationed.

You are instructed to furnish a copy of this despatch to Her Britannic Majesty's Secretary of State for Foreign Affairs at the earliest moment.

I have, &c.
(Signed) J. P. BENJAMIN.

No. 2.

Earl Russell to Mr. Mason.

Sir,

Foreign Office, March 11, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 2nd instant, inclosing a copy of a despatch signed by Mr. Benjamin and dated Richmond, December 11, 1862, and I request you will accept my thanks for this communication.

I am, &c.
(Signed) RUSSELL.

No. 3.

Mr. Mason to Earl Russell.—(Received July 6.)

My Lord,

24, Upper Seymour Street, Portman Square, July 4, 1863.

THE newspaper slip which I have the honour to inclose herewith marked No. 1 contains what purports to be the copy of a despatch from the Secretary of State of the Confederate States, addressed to me as the Commissioner of those States at London, dated on the 6th of June ultimo. It is taken from one of the public journals of London published within the last two days, and (as you will see from the introductory note) was transferred from a newspaper published at Richmond, Virginia, on the 12th of the same month.

I do not doubt that it is a genuine paper, and as it refers to the action of the Confederate Government on a subject that may be interesting to the Government of Her Majesty I have thought it best to send it to you at once in the informal shape in which it has come before me.

None of the documents referred to in the despatch were published in the newspaper from which I have taken it, but from another, published yesterday, I have taken the inclosed, marked No. 2, which show from their dates and import that they are the documents designated in the despatch by the letters C and D.

You will see that I am instructed by the President to communicate to your Lordship a copy of this despatch and of the documents accompanying it, which I will have the honour to do when they shall arrive.

I have, &c.
(Signed) J. M. MASON.

Inclosure 1 in No. 3.

Newspaper Extract.

[See "*North America*, No. 13 (1864)," pp. 6-8.]

Inclosure 2 in No. 3.

Mr. Benjamin to Consul Moore, June 5, 1863.

[Ibid., p. 2.]

Inclosure 3 in No. 3.

Letters-Patent revoking Consul Moore's Exequatur.

[Ibid., p. 2.]

No. 4.

Mr. Mason to Earl Russell.—(Received July 6.)

My Lord, 24, Upper Seymour Street, Portman Square, July 6, 1863.

I HAVE the honour to transmit herewith an original protest made by the master and crew of the Confederate steam-ship "Margaret and Jessie," transmitted to me by the commercial agent of the Confederate States at Nassau.

It sets forth that this steamer, laden with cotton and a large number of passengers, whilst on her voyage from Charleston, South Carolina, to Nassau, and near the Island of Eleuthera, a British possession in the Bahamas, was chased by a United States' war-steamer, believed to be the "Rhode Island;" that the "Margaret and Jessie" continued on her course toward the said island thus pursued, and fired at from time to time, until she had approached within 300 yards of the beach; fearing to run nearer, she changed her course, coasting along the island at the distance of from 300 to 500 yards from the shore.

That, notwithstanding the Confederate ship was thus beyond mistake or dispute within British jurisdiction, the United States' war-vessel continued the pursuit, having changed her course to conform to that of the Confederate steamer, continuing to fire shot and shell until the latter was struck, disabled, and sunk; at the time of which occurrence the "Rhode Island" was so near to the shore that a number of shot from her struck the shore inland, cutting the trees and ploughing up the soil.

I am further informed by our Commercial Agent that measures were to be taken by him to procure the testimony of many residents of the island who witnessed the affair, and which, if received, I shall have the honour to transmit to your Lordship. In the meantime the protest herewith will be sufficient, at least to lay the foundation of proper inquiry on the part of Her Majesty's Government, and if the facts are found correctly stated will establish a claim for adequate compensation to the owners and others who have sustained injury by this outrage.

I have, &c.

((Signed) J. M. MASON.

Inclosure in No. 4.

Protest of the Master and Crew of the Confederate steam-ship "Margaret and Jessie."

Bahama Islands, New Providence.

BY this Public Instrument of Declaration and Protest be it known and made manifest that on Tuesday, the 2nd day of June, in the year of our Lord 1863, personally came and appeared before me, Bruce Lockhart Burnside, a Notary Public by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, William Wilson, the master of the steam-ship "Margaret and Jessie," of and belonging to the port of Charleston, in the State of South Carolina, Confederate States of America, and caused a Protest to be duly noted before me the said Notary against the acts and deeds of the Captain or other officer in charge of a certain vessel of war of and belonging to the United States of America, occasioning injury to the said steam-ship "Margaret and Jessie," and thereby entailing loss and damage to the owners and others interested in the said steam-ship and the cargo on board of her laden. And now on this day, being Friday, the 5th day of June in the year aforesaid, again came and appeared the said William Wilson, the master, and James Forbes, first mate, Christopher Cowper, second mate, John Fitzgerald, third mate, Thomas Plane, purser, John Blackley, carpenter, Robert Warner Lockwood, pilot, Octavius Henry Dorsett, coasting pilot, Peter Skues, chief engineer, John Scott, second engineer, Thomas Russell, third engineer, Samuel Johnson, fourth engineer, John

McLean, fireman, and Joseph Gilbreath, fireman, of and belonging to the said steam-ship, who of their own free will and voluntary accord did solemnly declare, such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That these declarants and the rest of the crew of the said steam-ship "Margaret and Jessie" sailed in and on board of her on Wednesday, the 27th day of May last past, from the port of Charleston, in the State of South Carolina, one of the Confederate States of America, with a cargo consisting of 730 bales of cotton, and with 16 passengers, bound on a voyage to Nassau, in the Island of New Providence, one of the said Bahama Islands, the said steam-ship at the time of her departure as aforesaid being tight, staunch, strong, and seaworthy, and in every respect fitted, equipped, manned, and found for the prosecution of the aforesaid voyage.

That nothing material occurred. They encountered heavy weather until the forenoon of Saturday, the 31st day of May, about 10 A.M. civil time, the "Margaret and Jessie" then being about ninety miles to the north and east of the Island of Abaco, one of the Bahama Islands, and then steering a south-by-west course to make the land of Eleuthera, also one of the Bahama Islands, the territory of Her Majesty the Queen of Great Britain, then distant about twenty-five miles, a steam-ship was observed to the leeward of the "Margaret and Jessie," heading eastwardly across her stern. That about a quarter of an hour after the said steam-ship had been first observed by the parties on board of the "Margaret and Jessie," she was seen to change her course and give chase to the "Margaret and Jessie," the master of which, suspecting that the other vessel was a vessel of war of the United States, and that the intention was to make a prize of his vessel, ordered her to be put at full speed for the land of Eleuthera, then being a part of the neutral territory of Her Britannic Majesty the Queen of England.

That the said vessel of war continued to chase the "Margaret and Jessie," but at no time succeeded in approaching nearer to her than four miles until about half-past 12 o'clock noon of that day, the "Margaret and Jessie" being distant from the mainland of Eleuthera, which she was then fast approaching, about five miles, and the vessel of war distant astern of the "Margaret and Jessie" about four miles, a shot was fired from the vessel of war which fell short of the "Margaret and Jessie;" that the "Margaret and Jessie" was still run direct for the land, and arrived within the territorial limit of three miles shortly after, in the meantime the vessel of war firing shot after shot at her.

That from the time the "Margaret and Jessie" arrived within such territorial limit as aforesaid, the "Margaret and Jessie" being hemmed in by the land, the vessel of war was enabled to approach nearer to her, and the "Margaret and Jessie" was consequently taken to within 300 yards of the shore.

That from the time the "Margaret and Jessie" arrived within such territorial limit as aforesaid until she was taken to within such distance of 300 yards from the land as before mentioned, no cessation whatever was made in the discharge from the war-vessel of shot and shell, many of which passed over the "Margaret and Jessie," struck and exploded upon the land which lay within her.

That the steam-ship "Margaret and Jessie" having arrived within the distance of 300 yards as aforesaid, her course was at once changed to prevent her grounding on the rocks, and she was coasted along the land in a westwardly direction, keeping within that distance from the land, notwithstanding which no cessation was made in the discharge at her of shot and shell from the war-vessel, which approached to within 500 yards of the "Margaret and Jessie," and coasted along with her for an hour and a half, incessantly discharging shot, shell, and what appeared to these declarants to be grape and cannister.

That the "Margaret and Jessie," from her close proximity to the land, took the bottom on several occasions, and many of the shot and shell discharged at her passed over and struck against the land of Eleuthera; that at about 30 minutes past 3 P.M. the "Margaret and Jessie" then being not over 300 yards from the beach, a seven-inch spherical shell, discharged from the vessel of war, struck her on the starboard side, just below the water-line, and entered her boiler, causing the steam to escape, thereby severely injuring one of her engineers, and the water to flow into the ship, and the said declarant William Wilson then at once ordered the wheel to be put astarboard, but before the order could be obeyed the ship ran upon the ground and filled with water not 300 yards from the beach, the position being a little to the east of a point of land known as James Point, on the north side of the Island of Eleuthera, one of the Bahama Islands.

And the declarants did further declare that whilst the said merchant-ship "Margaret and Jessie" and the said vessel of war of the United States of America were both within

the territorial jurisdiction of Her Majesty the Queen of Great Britain as hereinbefore detailed; they, the said parties on board of the said vessel of war, then being officers in the naval service of the United States of America, in violation of the municipal laws of the said territory of Her Majesty the Queen, did feloniously discharge against the said parties, then being on board of the said steam-ship "Margaret and Jessie," certain cannons then loaded with gunpowder and shot, shell, shrapnell, and other deadly missiles, with intent thereby the said parties on board of the said merchant-ship "Margaret and Jessie," or some of them, to kill and murder.

That from the time the said vessel of war entered within the distance of three miles from the land until the time that a shot from her sunk the "Margaret and Jessie," as before set forth, the American ensign was flying at her main peak, she being a brig-rigged steam-vessel propelled by side-wheels, with a beam-engine above the deck; that when a shot propelled from a gun on board of her struck the "Margaret and Jessie," she, the said war-vessel, was distant from the mainland of Eleuthera not 500 yards; but so soon as it was observed by the parties on board of the war-vessel that the "Margaret and Jessie" had been driven ashore and sunk, the vessel of war was headed to sea, and having proceeded to the distance of about a mile from where the "Margaret and Jessie" lay, she, the vessel of war, was brought to anchor, and two armed boats dispatched to the "Margaret and Jessie," which rowed round her; in the said boat were officers in the uniform of the navy of the United States; and this declarant, the said James Forbes, inquired of one of the officers what ship of war that was, and was answered that it was the United States' vessel of war "Savannah," but these declarants believe that in truth and in fact the vessel of war was the United States' vessel of war "Rhode Island," and not the "Savannah."

And these declarants did further declare that the master and crew of the said steam-ship, with the passengers, upon observing the armed boats proceeding for the steam-ship, all quitted her and landed on the shore. That shortly after parties of wreckers from inland came down, and the said steam-ship was given up to them to work in endeavouring to save the cargo, and, if possible, to get her off; that the said parties immediately commenced working, and with the aid and assistance of others who subsequently arrived at the ship in wrecking vessels succeeded, after great exertions, in discharging the cargo, and in pumping the water from the said steam-ship, after which she was floated off, and in their charge he, the declarant, the said Captain Wilson being also on board, brought to this port of Nassau; the passengers and crew having been brought to this port of Nassau in the wrecking-vessels, they, the said wreckers, claiming salvage remuneration for their services to the said ship and her cargo.

And the said declarants did further declare that from the time the said steam-ship quitted the said port of Charleston until she was sunk as aforesaid, within the jurisdiction of Her Britannic Majesty, by a vessel of war of the United States, everything was done by the master and all on board to conduct her in safety to the port of her destination, and they attribute the sinking of the said steam-ship, and her stranding upon the Island of Eleuthera, to the act of the parties on board of the said vessel of war of the United States, whilst both of such vessels were within the territorial jurisdiction of Her Majesty the Queen, in exercising acts of hostility against the said merchant steam-ship "Margaret and Jessie," and feloniously attempting to kill and murder the persons on board of her, she then being not 300 yards from the land; and to the fact of a shell having been shot through the side of the said steam-ship from the said vessel of war when such last-mentioned vessel was not 500 yards from the land.

(Signed)

WM. WILSON, *Master.*

JAMES FORBES, *Chief Mate.*

CHRISTOPHER COWPER, *Second Mate.*

J. FITZGERALD.

THOMAS PLANE, *Purser.*

JOHN BLACKLEY, *Carpenter.*

ROBERT WARNER LOCKWOOD, *Pilot.*

OCTAVIUS H. DORSETT, *Coasting Pilot.*

PETER SKUES, *Chief Engineer.*

JOHN SCOTT, *Second Engineer.*

THOMAS RUSSELL, *Third Engineer.*

SAMUEL JOHNSON, *Fourth Engineer.*

JOHN Mc LEAN.

his
JOSEPH  GILBRAITH.

mark.

Wherefore the said master has desired me, the said notary, to protest, and I do by these presents solemnly and formally protest and declare against the acts and deeds of the persons on board of the said vessel of war, and against all and every act, matter, and thing occasioning as aforesaid loss and damage to the said steam-ship, to the intent that it may be submitted unto, suffered, and borne by those to whom it shall of right belong, or in anywise concern.

In testimony whereof the said declarants have hereunto set their hands, and I, the said notary, my hand and seal notarial, this 5th day of June, in the year of our Lord 1863.

(Signed) B. L. BURNSIDE, *Notary Public.*

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Bruce Lockhart Burnside, a notary public by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, do hereby certify the foregoing to be a true copy of a protest duly made before me, the said notary, by the master and crew of the Confederate merchant steam-ship "Margaret and Jessie," as the same remains of record in my official notarial record-book, page 153 to page 160.

In faith and testimony whereof I have placed and affixed my hand and seal notarial this 6th day of June, in the year of our Lord 1863.

(Signed) B. L. BURNSIDE, *Notary Public.*

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Charles Rogers Nesbitt, Esq., Colonial Secretary of the Bahama Islands, do hereby certify that Bruce Lockhart Burnside, who attests, as a notary public, the protest hereto attached, is a duly qualified notary public, and that all faith and credit is and ought to be given to his acts and deeds as such.

In witness whereof I have hereunto set my hand this 6th day of June, in the year of our Lord 1863.

(Signed) C. R. NESBITT, *Colonial Secretary.*

Bahama Islands.

By his Excellency Charles John Bayley, Esquire, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-chief in and over the said Islands, Chancellor, Vice-Admiral, and Ordinary of the same.

To all to whom these presents shall come, greeting:

Be it known that the Honourable Charles Rogers Nesbitt, Esquire, by whom the annexed certificate is subscribed, was, on the day of the date thereof, and now is, the Colonial Secretary for the said Bahama Islands; therefore all due faith and credit are and ought to be had and given to the said annexed certificate.

(Signed) C. J. BAYLEY.

In testimony whereof I have caused the seal of the said Islands to be hereunto affixed at Nassau, New Providence, this 6th day of June, A.D. 1863, and in the twenty-sixth year of Her Majesty's reign.

By his Excellency's command,
(Signed) C. R. NESBITT, *Colonial Secretary.*

No. 5.

Earl Russell to Mr. Mason.

Sir,

Foreign Office, July 8, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant and its inclosures, relative to the position of Mr. G. Moore, Her Majesty's Consul at Richmond.

I am, &c.
(Signed) RUSSELL.

Earl Russell to Mr. Mason.

Sir,

Foreign Office, July 10, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 6th instant, inclosing an original protest made by the master and crew of the steamer "Margaret and Jessie," with regard to the damage sustained by that vessel from being fired into by a United States' vessel of war.

A copy of this protest has also reached Her Majesty's Government through other sources, and they learn from Lord Lyons, who has been in communication with the United States' Government on the subject, that he has been assured by Mr. Seward that if it shall appear on inquiry that any act of hostility or power was committed on the occasion in question within the marine jurisdiction of Great Britain, the act will be disavowed, and redress be promptly given.

Her Majesty's Government will therefore await the result of that inquiry.

I am, &c.

(Signed) **RUSSELL.**

Mr. Mason to Earl Russell.—(Received July 16.)

*24, Upper Seymour Street, Portman Square,
July 16, 1863.*

My Lord,

I HAVE the honour to transmit herewith a list of vessels arriving at the port of Nassau (Bahamas) from ports alleged to be blockaded in the Confederate States of America, from the 18th of July, 1862, to the 2nd of June, 1863, being 102 in number.

This list was sent to me by the Commercial Agent of the Confederate States at Nassau; and, besides the minuteness of his description, is entitled to be received as an authentic document.

I have no instructions to make any new communication to your Lordship on the subject of the alleged blockade, but I desire to place the document on the files of the Foreign Office as part of the history of the occasion, interesting certainly to my Government, and perhaps to the Government of Her Majesty.

I have, &c.

(Signed) **J. M. MASON.**

Inclosure in No. 7.

Names of Vessels arrived at the Port of Nassau, N.P., from Confederate States.

Date of Arrival.	Name and Description.	Name of Master.	Where from.	Cargo.
1862.				
July 18	Sloop	..	Wilmington, N.C. . .	Cotton.
" 21	Sloop	..	St. John, Fld. ..	Ditto.
" 25	Steam-ship . .	..	Charleston, S.C. . .	Cotton and turpentine.
" 25	Boat	..	Florida	Turpentine.
" 25	Boat	..	Jacksonville, Fld. . .	Cotton and turpentine.
" 26	Steamer	..	A port in Georgia. .	Ditto.
" 28	Schooner	..	Charleston, S.C. . .	Turpentine.
August 6	Schooner	..	A port in Georgia. .	Ditto.
" 6	Schooner	..	Wilmington, N.C. . .	Ditto.
" 19	Sloop	..	A port in Georgia. .	Ditto.
September 2	Steam-ship . .	..	Charleston, S.C. . .	Cotton.
" 4	Steamer	..	Wilmington, N.C. . .	Ditto.
" 16	Sloop	..	Florida	Ditto.
" 25	Schooner	..	Wilmington, N.C. . .	Cotton and turpentine.
" 26	Steam-ship . .	..	Charleston, S.C. . .	Cotton.
October 3	Schooner	..	Ditto	Turpentine.
" 6	Schooner	..	Ditto	Ditto.
" 6	Schooner	..	Wilmington, N.C. . .	Cotton and turpentine.
" 6	Sloop	..	Charleston, S.C. . .	Turpentine.
" 7	Schooner	..	Savannah, Geo. . .	Cotton.

Date of Arrival.	Name and Description.	Name of Master.	Where from.	Cargo.
1862.				
October 7	Schooner	..	A port in N. Carolina	Cotton and turpentine.
" 8	Steamer	..	Wilmington, N.C. ..	Ditto.
" 14	Schooner	..	A port in Georgia ..	Cotton.
" 14	Schooner	..	Ditto	Ditto.
November 5	Steamer	..	Wilmington, N.C. ..	Ditto.
" 21	Steam-ship	..	Charleston, S.C. ..	Ditto.
" 21	Steam-ship	..	Ditto	Ditto.
" 22	Sloop	..	Ditto	Ditto.
" 26	Schooner	..	Ditto	Turpentine.
" 27	Sloop	..	Florida	Cotton.
" 27	Sloop	..	Savannah, Geo. ..	Cotton and resin.
December 2	Schooner	..	Wilmington, N.C. ..	Ditto.
" 23	Schooner	..	Ditto	Cotton and turpentine.
" 23	Sloop	..	Charleston, S.C. ..	Cotton.
" 23	Schooner	..	Ditto	Turpentine.
" 27	Schooner	..	Wilmington, N.C. ..	Cotton.
" 30	Steam-ship	..	Charleston, S.C. ..	Ditto.
1863.				
January 2	Schooner	..	Savannah, Geo. ..	Ditto.
" 5	Steam-ship	..	George Town, S.C.	Ditto.
" 19	Steam-ship	..	Charleston, S.C. ..	Ditto.
" 21	Sloop	..	Ditto	Turpentine.
" 26	Schooner	..	Beaufort, N.C. ..	Tar and resin.
" 26	Steam-ship	..	Wilmington, N.C. ..	Cotton.
" 27	Schooner	..	Charleston, S.C. ..	Turpentine.
" 30	Schooner	..	Wilmington, N.C. ..	Cotton and turpentine.
" 31	Steam-ship	..	Charleston, S.C. ..	Cotton.
February 3	Schooner	..	Savannah, Geo. ..	Cotton and turpentine.
" 5	Sloop	..	Ditto	Cotton.
" 6	Sloop	..	Charleston, S.C. ..	Ditto.
" 9	Steam-ship	..	Ditto	Ditto.
" 16	Steam-ship	..	Ditto	Ditto.
" 17	Steam-ship	..	Ditto	Ditto.
" 23	Steam-ship	..	Ditto	Ditto.
" 23	Steam-ship	..	Ditto	Ditto.
" 25	Steam-ship	..	Ditto	Ditto.
" 26	Sloop	..	Ditto	Ditto.
" 26	Schooner	..	Ditto	Ditto.
" 27	Schooner	..	Ditto	Ditto.
March 5	Steam-ship	..	Wilmington, N.C. ..	Ditto.
" 6	Schooner	..	Charleston	Ditto.
" 10	Steam-ship	..	Ditto	Ditto.
" 13	Steam-ship	..	Ditto	Ditto.
" 14	Steam-ship	..	Ditto	Ditto.
" 16	Steam-ship	..	Wilmington, N.C. ..	Ditto.
" 17	Steam-ship	..	Ditto	Ditto.
" 17	Steam-ship	..	Ditto	Ditto.
" 23	Steam-ship	..	Charleston, S.C. ..	Ditto.
" 23	Steam-ship	..	Ditto	Cotton and tobacco.
" 24	Sloop	..	Fernandino, Fld. ..	Cotton.
" 27	Steam-ship	..	Wilmington, N.C. ..	Ditto.
" 28	Steamer	..	Charleston, S.C. ..	Ditto.
" 30	Sloop	..	Ditto	Ditto.
" 28	Sloop	..	Wilmington, N.C. ..	Cotton and turpentine.
April 2	Schooner	..	Charleston, S.C. ..	Ditto.
" 3	Sloop	..	Ditto	Ditto.
" 6	Steam-ship	..	Ditto	Ditto.
" 8	Schooner	..	North Carolina ..	Ditto.
" 10	Steam-ship	..	Charleston, S.C. ..	Cotton.
" 16	Steam-ship	..	Wilmington, N.C. ..	Cotton and turpentine.
" 16	Schooner	..	Louisiana	Turpentine.
" 20	Steam-ship	..	Wilmington, N.C. ..	Cotton.
" 22	Steam-ship	..	Charleston, S.C. ..	Ditto.
" 24	Steam-ship	..	Ditto	Ditto.
" 24	Steam-ship	..	Ditto	Ditto.
" 28	Steam-ship	..	Wilmington, N.C. ..	Ditto.
" 29	Schooner	..	Charleston, S.C. ..	Ditto.
May 7	Schooner	..	Savannah, Geo. ..	Ditto.
" 9	Steam-ship	..	Charleston, S.C. ..	Ditto.
" 9	Steam-ship	..	Ditto	Ditto.
" 10	Steam-ship	..	Ditto	Ditto.
" 10	Steam-ship	..	Ditto	Ditto.
" 13	Steam-ship	..	Wilmington, N.C. ..	Ditto.
" 13	Steam-ship	..	Charleston, S.C. ..	Ditto.
" 19	Steam-ship	..	Ditto	Ditto.
" 22	Steam-ship	..	Wilmington, N.C. ..	Ditto.

Date of Arrival.	Name and Description.	Name of Master.	From where.	Cargo.
1863.				
May 23	Schooner	..	Charleston, S.C. ..	Cotton.
" 25	Steam-ship . . .	..	Wilmington, N.C. ..	Ditto.
" 25	Steam-ship . . .	..	Charleston, S.C. ..	Ditto.
" 25	Sloop	..	Wilmington, N.C. ..	Cotton and turpentine.
" 25	Schooner	..	Ditto	Cotton and lumber.
" 26	Steam-ship . . .	..	Charleston	Cotton.
June 2	Steam-ship . . .	..	Ditto	Ditto.

No. 8.

Mr. Mason to Earl Russell.—(Received July 16.)

My Lord, 24, Upper Seymour Street, Portman Square, July 16, 1863.

I HAD the honour, with my letter of the 10th July instant, to transmit to your Lordship the protest of the master and crew of the Confederate steam-ship "Margaret and Jessie," and at the same time to inform your Lordship that further testimony was expected in regard to the affair referred to in the protest which, when received, should in like manner be transmitted to your Lordship.

I have now the honour to inclose herewith twelve affidavits made by passengers on board the Confederate steamer, and by residents of the Island of Eleuthera, in everything confirming the declarations made in the protest. They have just been received from the Commercial Agent of the Confederate States at Nassau, who informs me that copies of the same documents were transmitted by the same opportunity (the mail-steamer "La Plata," just arrived) to the Duke of Newcastle, sent, as I am informed, by the authorities at Nassau.

I have, &c.
(Signed) J. M. MASON.

Inclosure 1 in No. 8.

Declaration of Theodore Cavillier.

Bahama Islands, Eleuthera.

BE it remembered that on this 4th day of June, in the year of our Lord 1863, personally came and appeared before me, Ormond Drimmie Malcolm, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, one of the said Bahama Islands, Theodore Cavillier, of James' Point, in the Island of Eleuthera, one of the said Bahama Islands, planter, who of his own free will and accord did solemnly declare (such declaration being made in pursuance of the laws of the Bahama Islands made for substituting a declaration in lieu of an oath in certain cases) in manner following (that is to say):—

I live at a settlement called James' Point, on the Island of Eleuthera, one of the Bahama Islands. On Saturday, the 30th day of May last, I was out in a boat fishing on the southern side of the settlement. The settlement is bounded on the north and south by the sea, and the distance across, that is from the north to the south, is about two miles. While I was fishing I heard the reports of several guns; I immediately went on shore on the southern side of the settlement, proceeded to a hill nearly over to the northern side, and climbed up a tree, in order that I might see the vessel from which I supposed the guns were being fired. On looking out to sea I saw two steamers; one of them, having paddle-boxes, was steering down outside of a reef, which is about 300 or 400 yards from the shore, and the other, without paddle-boxes, also steaming down outside of the reef, about 500 or 600 yards from the first steamer. The steamer farthest out was firing at the inner one; I could see the smoke come from her side, and hear the report of the guns as they went off. She would fire first from one side—a broadside, and then turn and fire from the other side. I could see the shot from these guns fall on the land about 300 yards from where I was up the tree. I was about half-a-mile from the settlement. On seeing the shot fall so near, I jumped from the tree, ran to the southern shore and got into my boat to come home. While I was coming down to my house in the boat, I heard a gun go off in the direction of the two steamers, and a cannon-ball passed over my head, and fell in the sea about thirty yards from the boat in which I was.

I fell down in the boat from the shock. On Saturday evening, after I came home, I went over to the northern side of the settlement, on the beach. I saw a steamer on shore on the reef, and one laying-to about 500 or 600 yards from the one on the reef. They were the same steamers that I had seen running down outside in the morning, when I was up the tree. I did not stay long on the beach, but soon returned home. One steamer that was laying-to had an American flag flying. I do not know when she left.

(Signed)

THEODORE ^{his} ~~X~~ CAVILLIER.
mark.

Declared to before me, this 4th day of June, A.D. 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Ormond Drimmie Malcolm, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the said Island of New Providence, do hereby certify that the annexed paper writing is a true copy of a notarial declaration made before me by Theodore Cavillier, therein named, of the Island of Eleuthera, as the same appears of record in my notarial Register Book A, pages 13 to 16.

In testimony whereof I have hereunto set my hand and seal notarial, the 6th day of June, in the year of our Lord 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Inclosure 2 in No. 8.

Declaration of Robert C. Fonte and Ivey Foreman.

Bahama Islands, New Providence.

KNOW all men by these presents that on the 6th day of June, in the year of our Lord 1863, before me, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted, and sworn, residing and practising in the City of Nassau, in the Island of New Providence, personally came and appeared Robert C. Fonte, at present of the City of Nassau, in the Island of New Providence, gentleman, who did solemnly declare, such declaration being made in pursuance of the Laws of Bahamas for substituting a declaration in lieu of an oath in certain cases—

That he the declarant was a passenger on board the steam-ship "Margaret and Jessie" which sailed from the port of Charleston on the 27th day of May last bound for this port of Nassau.

That on the morning of Saturday the 30th, a steam-vessel of war gave chase to the "Margaret and Jessie," and she was run for the land of Eleuthera, one of the Bahamas Islands in the territory of Her Majesty the Queen of Great Britain, and about half-past twelve noon, the "Margaret and Jessie" being then distant from the land of the Island of Eleuthera about five miles, with the vessel of war astern distant about four miles, the latter vessel opened fire upon her with shot and shell. That the "Margaret and Jessie" was still headed for the land, the war vessel continuing in pursuit, incessantly discharging shot and shell which fell thickly over and around the "Margaret and Jessie" until she arrived within 500 yards of the beach, when to prevent her going upon the land her course was changed, and she was headed westwardly coasting and skirting the land at a distance of between 400 to 500 yards from it; that she thus continued for a period of an hour and three quarters, during all which time the "Margaret and Jessie" never was further than 500 yards from the land, the vessel of war continued to chase being to the distance of about a mile from the land, and discharging shot and shell by broadsides which fell thickly around the vessel, and many of which passed over her and struck the land, and so near during all this latter time was the "Margaret and Jessie" kept to the shore, that she took the ground several times in passing over a reef which lies a short distance from the land.

That eventually a shell shot from the vessel of war struck the "Margaret and Jessie," she then being not further than 400 yards from the land, and passed through into her boiler, which so disabled her that she within a minute of time took the ground and filled with water not over 400 yards from the beach, and the passengers and crew fearing that boats would board from the vessel of war quitted the vessel and went to the shore, and shortly afterwards two boats from the vessel of war quitted her and rowed round the "Margaret

and Jessie" as she lay ashore, and then returned to their ship, in which boats were officers dressed in the uniform of the United States' navy.

That the said steam-vessel of war had flying from her main peak the United States' ensign, she being brig-rigged with a beam engine on deck, and propelled by side wheels.

(Signed) R. C. FONTE.

Declared to at Nassau this 6th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Bahama Islands, New Providence.

Know all men by these presents that on the 6th day of June, in the year of our Lord 1863, before me, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the City of Nassau, in the Island of New Providence, personally came and appeared Ivey Foreman, at present of the City of Nassau, in the Island of New Providence, gentleman, who did solemnly declare, such declaration being made in pursuance of the laws of Bahamas, for substituting a declaration in lieu of an oath in certain cases—

That he the declarant was a passenger on board the steam-ship "Margaret and Jessie" which sailed from the port of Charleston on the 27th day of May last, bound for this port of Nassau.

That having heard read over to him the annexed declaration of Robert C. Fonte, he can personally testify that everything therein contained is just and true, this declarant having been an eye-witness to all the occurrences therein detailed and set forth.

(Signed) IVEY FOREMAN.

Declared to at Nassau this 6th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted, and sworn, residing and practising in the City of Nassau, in the Island of New Providence, do hereby certify the foregoing to be a full just and true copy of notarial declarations duly made before me the undersigned Notary Public by the declarants therein named, as the same remains of record in my official record book page 143 to 147.

In witness whereof I have hereunto set my hand and affixed my seal of office at Nassau, this 9th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Inclosure 3 in No. 8.

Declaration of Charles M. Morris, H. B. Clairbon, and Charles K. King.

Bahama Islands, New Providence.

KNOW all men by these presents, that on this 6th day of June, in the year of our Lord 1863, before me, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, personally came and appeared Charles M. Morris, at present of the city of Nassau, in the Island of New Providence, gentleman, who did solemnly declare, such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That he the declarant was a passenger on board the said steam-ship "Margaret and Jessie," which sailed from the port of Charleston on the 27th of May last, bound for this port of Nassau:

That on the morning of Saturday the 30th a steam-vessel of war gave chase to the "Margaret and Jessie," and she was run for the land of Eleuthera, one of the Bahama Islands, in the territory of Her Majesty the Queen of Great Britain; and about half-past 12 noon the "Margaret and Jessie" being then distant from the land of the Island of Eleuthera about five miles, with the vessel of war astern distant about four miles, the latter vessel opened fire upon her with shot and shell:

That the "Margaret and Jessie" was still headed for the land, the war vessel continuing in pursuit, incessantly discharging shot and shell, which fell thickly over and

around the "Margaret and Jessie," until she arrived within 500 yards of the beach, when to prevent her going upon the land her course was changed, and she was headed westwardly, coasting and skirting the land at a distance of between 400 to 500 yards from it:

That she thus continued for a period of an hour and three-quarters, during all which time the "Margaret and Jessie" never was further than 500 yards from the land; the vessel of war continued the chase, being to the distance of about a mile from the "Margaret and Jessie," and shot and shell by broadside, which fell thickly around the vessel, and many of which passed over her, and struck the land; and so near during all this latter time was the "Margaret and Jessie" kept to the shore that she took the ground several times in passing over a reef which lies a short distance from the land:

That eventually a shell shot from the vessel of war struck the "Margaret and Jessie," she then being not further than 400 yards from the land, and passed through into her boiler, which so disabled her that she within a minute of time took the ground, and filled with water not over 400 yards from the beach; and the passengers and crew fearing that boats would board from the vessel of war, quitted the vessel, and went to the shore, and shortly afterwards two boats from the vessel of war, quitted her and rowed round the "Margaret and Jessie" as she lay ashore, and then returned to their ship, in which boats were officers dressed in the uniform of the United States' navy:

That the said steam-vessel of war had flying from her main peak the United States' ensign, she being brig-rigged, with a beam-engine on deck, and propelled by side-wheels.

(Signed) C. M. MORRIS.

Declared to at Nassau this 6th day of June, 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Bahama Islands, New Providence.

Know all men by these presents, that on this 6th day of June, in the year of our Lord 1863, before me, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, personally came and appeared Charles R. King and Henry B. Clairbon, at present of the city of Nassau, in the Island of New Providence, gentleman, who did solemnly declare, such declaration being made in pursuance of the laws of the Bahamas, for substituting a declaration in lieu of an oath in certain cases:

That they, the declarants, were passengers on board the steam-ship "Margaret and Jessie," which sailed from the port of Charleston on the 27th of May last, bound for this port of Nassau:

That having heard read over to them the annexed declaration of Charles M. Morris, they can personally testify that everything therein contained is just and true, these declarants having been eye-witnesses to all the occurrences therein detailed and set forth.

(Signed) H. B. CLAIRBON.
CHAS. K. KING.

Declared to at Nassau the 6th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, do hereby certify the foregoing to be full, just, and true copy of notarial declarations duly made before me the undersigned Notary Public by the declarants therein named, as the same remain of record in my official record book, pages 138 to 142.

In witness whereof I have hereunto set my hand, and affixed my seal of office at Nassau, this 9th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Inclosure 4 in No. 8.

Declaration of Jane Hanna.

Bahama Islands, Eleuthera.

BE it remembered, that on this 4th day of June, in the year of our Lord 1863, personally came and appeared before me, Ormond Drimmie Malcolm, notary public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, one of the said Bahama Islands, Jane Hanna, of James' Point, in the Island of Eleuthera, one of the said Bahama Islands, who of her own free will and accord did solemnly declare (such declaration being made in pursuance of the laws of the Bahama Islands made for substituting a declaration in lieu of an oath in certain cases) in manner following, that is to say:—

I live at James' Point, in the Island of Eleuthera. On Saturday, the 30th day of May last, I was in my house at James' Point, when I heard guns firing from the sea. I looked out of the door of my house, the northern one.

The house is on a hill about two miles from the shore, on the north side of the settlement. I can see the sea from the door. I saw a steamer passing up along the shore firing guns. I left my house and went on a hill near, when I saw another steamer a-head, at which the other was firing. I watched them for some time, when the inner steamer turned and came down. I then saw the one that had been firing also turn and commence to fire at her; several of the shot I saw fall on the land. I entered my house, when I heard the report of a gun, and something struck on the roof of the house. I looked out of the door, and saw the steamer that had been firing before opposite my house, and clouded with smoke.

I went over to the northern shore in the evening, and saw one of the steamers on shore, and the other, the one that had been firing guns, lying to outside of her, with a flag flying. I do not know the flag, of what nation it was; it had red and white stripes.

(Signed) JANE HANNA.

Declared to before me this 4th day of June, A.D. 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Bahama Islands, New Providence.

To all whom these presents shall come, I, Ormond Drimmie Malcolm, notary public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the said Island of New Providence, do hereby certify that the annexed paper writing is a true copy of a notarial declaration made before me by Jane Hanna, therein named, of the Island of Eleuthera, as the same appears of record in my Notarial Register, book A, pages 22 to 23.

In testimony whereof I have hereunto set my hand and seal notarial the 6th day of June, in the year of our Lord 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Inclosure 5 in No. 8.

Declaration of Clinton Johnson.

Bahama Islands, New Providence.

KNOW all men by these presents that on the 6th day of June in the year of our Lord 1863, before me, Bruce Lockhart Burnside, a Notary Public by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, personally came and appeared Clinton Johnson, of the Island of Eleuthera, farmer, who of his own free will and voluntary accord did declare:

That he lives at a town known as "James' Cestern," on the south side of the Island of Eleuthera, and on Saturday the 30th day of May last he heard the reports of cannon on the north side of the island, that he immediately went to the highland to the north of the town, and then saw two steam-ships one in chase of the other, the outer ship discharging guns very rapidly at the ship that was nearest to the shore, both of which ships were approaching at full speed to the land.

That the ship nearest the land was an unarmed vessel, and the vessel chasing her was a vessel of war; the unarmed vessel having arrived within 300 yards of the beach changed her course and skirted along the land, at no time being 400 yards from it, that the vessel of war also changed her course, and having arrived within a distance of at

most half a mile from the other ship, continued for at least an hour and a half to discharge without cessation shot and shell, which from time to time passed over the inner ship and struck and exploded upon the land.

That many of the shot so discharged as aforesaid fell within a distance of 100 yards from the dwelling houses in the town at "James' Cestern," and caused great destruction among the trees and wood in the neighbourhood, and the inhabitants of the town, fearing that their houses would be struck by the shot, and that some of them would be killed, they quitted the town and took refuge under the hills until the firing had ceased.

(Signed) CLINTON ^{his} JOHNSON.
mark.

Declared to at Nassau this 6th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Bahama Islands, New Providence.

To all to whom these presents shall come I, Bruce Lockhart Burnside, a Notary Public by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, do hereby certify the foregoing to be a full, just, and true copy of a notarial declaration duly made before me the undersigned Notary Public, by the declarant therein named, as the same remains of record in my official record book from page 161 to 163.

In witnesswhere of I have hereunto set my hand and fixed my seal of office at Nassau, in the Island of New Providence, this 9th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Inclosure 6 in No. 8.

Declaration of Thomas Mackey.

Bahama Islands, Eleuthera.

BE it remembered that on this 4th day of June, in the year of our Lord 1863, personally came and appeared before me, Ormond Drimmie Malcolm, Notary Public by lawful authority appointed, duly admitted and sworn, residing and practising in the City of Nassau, in the Island of New Providence, one of the said Bahama Islands, Thomas Mackey of James's Point, in the Island of Eleuthera, one of the said Bahama Islands, planter, who of his own free will and accord did solemnly declare (such declaration being made in pursuance of the laws of the Bahama Islands made for substituting a declaration in lieu of an oath in certain cases) in manner following, that is to say:—

On Saturday morning last, the 30th day of May past, I was out fishing on the southern side of the settlement called James's Point, on the Island of Eleuthera. I am a resident of the settlement. I was out fishing with William Hanna, another resident of the settlement. Just as we started to return home, about 1 o'clock, I heard the reports of several heavy guns; the sound came from the north-east, across the Island of Eleuthera. When the boat was about three miles from the settlement, and about half a mile from the shore on the southern side, I heard the report of another gun, and saw a cannon-shot come over and fall upon the land. We kept on in the boat, and when about half a mile from the settlement I again heard the report of a gun, and saw a cannon-shot fall in the water about sixty or seventy yards ahead of the boat in which we were, and very near a boat in which Theodore Cuvillier of the same settlement was.

After I landed from fishing I walked over to the beach on the northern side of the settlement, which beach is about two miles from the southern shore. Upon reaching there I saw a steamer on the reef, about 400 yards from the shore. I also saw a steamer lying to outside of the reef, about 600 or 700 yards from it; she had an American flag flying. I could see guns on board of her run out through the portholes. I saw two boats come from her and row around the steamer that was on shore. Officers were in these boats; they had gold lace around their caps. The steamer left about 8 o'clock that night.

(Signed) THOMAS MACKEY.

Declared to before me this 4th day of June, A.D. 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public*.

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Ormond Drimmie Malcolm, Notary Public by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the said Island of New Providence, do hereby certify that the annexed paper writing is a true copy of a notarial declaration made before me by Thomas Mackey therein named of the Island of Eleuthera, as the same appears of record in my Notarial Register Book A, pages 17 to 19.

In testimony whereof I have hereunto set my hand and seal notarial, the 6th day of June in the year of our Lord 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Inclosure 7 in No. 8.

Declaration of William Hanna.

Bahama Islands, Eleuthera.

BE it remembered that on this 4th day of June, in the year of our Lord 1863, personally came and appeared before me, Ormond Drimmie Malcolm, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the City of Nassau, in the Island of New Providence, one of the said Bahama Islands, William Hanna, of James's Point, in the Island of Eleuthera, one of the said Bahama Islands, farmer, who of his own free will and accord did solemnly declare (such declaration being made in pursuance of the laws of the Bahama Islands made for substituting a declaration in lieu of an oath in certain cases) in manner following, that is to say:—

I reside at James's Point, a settlement on the Island of Eleuthera, one of the said Bahama Islands. I am a farmer, but occasionally go to sea. The settlement of James's Point is bounded on the north and south by the sea, being about two miles in width, that is from the north to the south.

On Saturday morning past, the 30th day of May last, I left my residence at James's Point in my boat on the south side of the settlement for the purpose of fishing; Thomas Mackey, a resident of the said settlement, went with me. After fishing for some time we started on our return home. When we were about a mile from the settlement I heard the reports of several heavy guns, the same seeming to be fired from a north-easterly direction. When about 200 yards from the place where I intended to land in order to proceed to my house, I heard the report of a gun, and about five or six seconds after a cannon-shot went past the boat in which we were, and fell in the water, having come across the land in a northerly direction, about thirty yards from a boat in which one Theodore Cuvillier of the same settlement was.

I landed at the settlement about three o'clock on this day, Saturday the 30th, and on landing was informed that a steamer was on shore on the northern side of the settlement. Upon hearing this I climbed to the roof of my house, which is about thirty-five feet from the ground, and on looking across the land to the northern side of the settlement, I saw two steamers, one of them being ashore on a reef a few hundred yards from the shore, and the other lying-to about three hundred yards from the one on shore, with an American flag flying from her main peak. The steamer on shore had no flag flying.

I then came down from the roof of my house, and proceeded, in company with several others, to the beach on the northern side of the settlement, where I found two ladies and several gentlemen, who had just landed from the steamer on shore on the reef. The captain, mates, and crew of the said steamer landed while I was there.

After I had been on the beach about two hours, two boats put off from the steamer with the American flag flying, and came to the steamer on shore, rowed around her, and then returned. Both of these boats had American flags in their sterns. An officer was in each boat, having gold lace on his cap and gold buttons on his coat. There were guns on board of the steamer with the American flag flying. I could see them run out through the port-holes in her side. I could plainly see the men moving about her decks. I should say she was about 600 or 800 yards from the shore. She remained in the position and place that I have described until dark. I did not notice when she left.

(Signed)

WILLIAM ^{his} HANNA.
mark.

Declared to before me this 4th day of June, A.D. 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Ormond Drimmie Malcolm, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the City of Nassau in the said Island of New Providence, do hereby certify that the annexed paper writing is a true copy of a notarial declaration made before me by William Hanna, therein named, of the Island of Eleuthera, as the same appears of record in my notarial register, Book A, pages 9 to 12.

In testimony whereof I have hereunto set my hand and seal notarial the 6th day of June, in the year of our Lord 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Inclosure 8 in No. 8.

Declaration of Charles Rutledge Burnside.

Bahama Islands, New Providence.

BE it remembered that, on this 10th day of June, in the year of our Lord 1863, personally came and appeared before Ormond Drimmie Malcolm, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence aforesaid, Charles Rutledge Burnside, of the city of Nassau, in the said Island of New Providence, gentleman, who of his own free will and accord did solemnly declare (such declaration being made in pursuance of the laws of the Bahama Islands for substituting a declaration in lieu of an oath in certain cases) in manner following, that is to say:—

That he, the declarant, was, on the 4th day of June instant, at a town on the Island of Eleuthera, known as “James’ Cistern,” in the the vicinity of James’ Point.

That he, the declarant, had heard that shot and shell, thrown from a vessel of war on the north side of the island, had struck the ground near to the town, and Samuel Mackey, a resident of the town, pointed out to him, at a distance of about 200 yards from the dwelling-houses in the town, trees which had been destroyed, and the marks on the earth and stones caused by the missiles which had struck them; that the declarant, whilst inspecting the spots pointed out by the Samuel Mackey, picked up the smaller of the two pieces of shell hereto attached, and Samuel Mackey also picked up in the presence of this declarant the other piece.

That both of such pieces remained in the possession of this declarant, and were by him delivered to the Notary Public to be attached to this declaration, which he, the Notary, has done in declarant’s presence.

(Signed) C. R. BURNSIDE.

Declared to before me this 10th day of June, A.D. 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Bahama Islands, New Providence.

To all to whom these presents shall come I, Ormond Drimmie Malcolm, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, do hereby certify that the annexed paper writing is a true copy of a notarial declaration made before me by Charles Rutledge Burnside therein named, of the Island of New Providence, as the same appears of record in my Notarial Register, book A, pages 24 and 25.

In testimony whereof I have hereunto set my hand and seal notarial the 10th day of June, in the year of our Lord 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Inclosure 9 in No. 8.

Declaration of Samuel Mackey.

Bahama Islands, Eleuthera.

BE it remembered that on this 4th day of June, in the year of our Lord 1863, personally came and appeared before me, Ormond Drimmie Malcolm, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, one of the said Bahama Islands,

Samuel Mackey, of James' Point, in the Island of Eleuthera, one of the taid Bahama Islands, planter, who of his own free will and accord did solemnly declare (such declaration being made in pursuance of the laws of the Bahama Islands made for substituting a declaration in lieu of an oath in certain cases) in manner following (that is to say) :—

I am a planter, and reside at James' Point, in the Island of Eleuthera, one of the Bahama Islands. On Saturday, the 30th day of May last past, I was out fishing on the southern side of the settlement. The settlement is about two miles wide from north to south. While out fishing I heard the reports of several heavy guns from the north-east. On returning to the shore, being about three yards from it, I heard the report of a gun, and saw a cannon-ball fall on the land in the middle of the settlement where the houses are built. I found a portion of the shot to-day in the place where I saw it fall.

(Signed) SAMUEL ^{his} X MACKEY.
mark.

Declared to before me this 4th day of June, A.D. 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Ormond Drimmie Malcolm, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, do hereby certify that the annexed paper writing is a true copy of a notarial declaration made before me by Samuel Mackey, therein named, of the Island of Eleuthera, as the same appears of record in my Notarial Register, Book A, pages 20 and 21.

In testimony whereof I have hereunto set my hand and seal notarial, the 6th day of June, in the year of our Lord 1863.

(Signed) ORMOND D. MALCOLM, *Notary Public.*

Inclosure 10 in No. 8.

Declaration of Laurence Thiescelin and Laurcel Thiescelin.

Bahama Islands, New Providence.

KNOW all men by these presents, that on this 11th day of June, in the year of our Lord 1863, before me, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, personally came and appeared Laurence Thiescelin, at present of the Island of New Providence, gentleman, and Laurcel Thiescelin, at present of the Island of New Providence, single woman, who did solemnly declare, such declaration being made in pursuance of the laws of the Bahamas for substituting a declaration in lieu of an oath in certain cases:

That these declarants are subjects of His Imperial Majesty Napoleon III, Emperor of the French, and are natives of the city of Paris in the Empire of France, but for some years past have resided at Mobile, in the State of Alabama, one of the States of America known as the Confederate States of America.

That they sailed in and on board of the Confederate merchant steam-ship "Margaret and Jessie," on Wednesday the 27th day of May last past from Charleston, South Carolina, as passengers for Nassau, on their way to France.

That on Saturday morning, about 10 o'clock, a vessel of war gave chase to the "Margaret and Jessie," and continued to chase until about 12 o'clock, when the "Margaret and Jessie" had been brought to about five miles distant from the land of Eleuthera, within the jurisdiction of Her Majesty the Queen of England; the war vessel was then astern of the "Margaret and Jessie" about four miles, and commenced to fire shot and shell at her.

That the war-vessel continued to chase the "Margaret and Jessie," and to fire shot and shell at her incessantly, until the latter vessel was taken within 300 or 400 yards of the shore of the Island of Eleuthera aforesaid, the war-vessel coming in to the same shore within the distance of one mile, and coasting along with the "Margaret and Jessie," and discharging shot and shell at her, many of which these declarants saw strike the land of Eleuthera. That during all the time before referred to, these declarants remained on deck, but the danger to life on board of the "Margaret and Jessie" being very great from the constant discharge of shell and other missiles which fell thickly around her, and

it being evident that the intention of the parties on board the war-vessel was to kill and murder the persons then on board the "Margaret and Jessie," they the declarants, Laurence Thiescelin and Laurcel Thiescelin, were persuaded by the male passengers who were with them in the "Margaret and Jessie" to take refuge in the cabin.

That at the time the said Laurence Thiescelin and Laurcel Thiescelin left the deck and went to the cabin, the said steam-ship "Margaret and Jessie" was not over 400 yards from the beach, and the war-vessel was not a mile distant from the "Margaret and Jessie." That after these declarants went into the cabin the ship struck several times on the bottom, and they still heard the incessant discharge of cannon from the war-vessel.

That after they had been for some time in the cabin a shot struck the "Margaret and Jessie," and almost immediately she ran upon the ground, and the declarants upon going to the deck found that the ship was on the ground not 400 yards from the beach.

And these declarants further declare that the parties on board of the "Margaret and Jessie," fearing that she would be boarded from the war-vessel which had then anchored a short distance from them, immediately hastened to the shore, and immediately after armed boats were sent from the vessel of war, in which were officers in the naval uniform of the United States of America, which boats approached near to the "Margaret and Jessie," rowed round her, and then returned to their ship.

And these declarants lastly declare that they verily believe and are convinced that the intention of the said parties on board the said vessel of war discharging shot and shell from guns on board that vessel at the "Margaret and Jessie," when both such vessels were within the territorial jurisdiction of Her Majesty the Queen, was none other than to kill and murder the parties or some of them then being on board the "Margaret and Jessie."

(Signed)

THIESCELIN.

LAURCEL THIESCELIN.

Declared to at Nassau the 11th day of June, A.D. 1863.

(Signed)

B. L. BURNSIDE, *Notary Public*.

Bahama Islands, New Providence.

To all to whom these presents shall come, I, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau in the Island of New Providence, do hereby certify the foregoing to be a full, just, and true copy of notarial declarations duly made before me the said notary by the declarants therein named, as the same remains of record in my official record book, pages 148 to 152.

In testimony whereof I have hereunto set my hand fixed my seal of office at Nassau, this 11th day of June, A.D. 1863.

(Signed)

B. L. BURNSIDE, *Notary Public*.

Inclosure 11 in No. 8.

Declaration of Fenn Peck and M. M. Kerr.

Bahama Islands, New Providence.

KNOW all men by these presents that on this 8th day of June, in the year of our Lord 1863, before me, Bruce Lockhart Burnside, Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, personally came and appeared, Fenn Peck, at present of the Island of New Providence, master mariner and Matthew Morris Kerr, also at present of the Island of New Providence, merchant, who did solemnly declare that such declaration being made in pursuance of the laws of the Bahamas, for substituting a declaration in lieu of an oath in certain cases.

That they sailed as passengers on board the steam-ship "Margaret and Jessie," from Charleston, on the 27th of May last, bound to Nassau.

That on Saturday morning, when about 25 miles from the mainland of Eleuthera, one of the Bahama Islands, a vessel of war gave chase to them, but that as the "Margaret and Jessie" was put at full speed for the land, the pursuing vessel did not gain upon her until about noon; the "Margaret and Jessie" was then distant from Eleuthera about five miles, and the war vessel astern of the "Margaret and Jessie" about four miles. She opened fire upon the "Margaret and Jessie," but at first the shot fell short, but as the

"Margaret and Jessie" nearer the land and became hemmed in by it, the shot from the war vessel, which had gradually nearer the "Margaret and Jessie," fell thickly around her; that the "Margaret and Jessie" was then taken to within 400 yards of the shore, notwithstanding which the war vessel, which had now approached to within a mile of her, continuing to pour shot and shell and what appeared to be grape and cannister into the "Margaret and Jessie."

That the "Margaret and Jessie" continued at such distance of 400 yards for a period of an hour and a half at the very least, during all which time the war vessel, which was not at any time a mile distant, continued incessantly discharging shot, shell, and what appeared to be grape and cannister at the "Margaret and Jessie."

That during this latter time the "Margaret and Jessie" frequently took the ground until a spherical seven-inch shot struck her which disabled her, caused her immediately to take the ground, fill with water and sink, she then being not 400 yards from the beach, so near in fact that persons on the beach could converse with persons on board the said vessel.

That so soon as this occurred the vessel of war, which was at this time coasting along with the "Margaret and Jessie," headed to sea, and having steamed out for a short time came to anchor, and the parties on board the "Margaret and Jessie," observing that boats were about to be sent from her, and fearing that although within neutral territory they would be made prisoners, they quitted the "Margaret and Jessie" and landed on the shore, and armed boats were seen to quit the war vessel and proceed towards the "Margaret and Jessie."

That the said declarant Fenn Peck found that only eight minutes and a half elapsed from the time these armed boats quitted the war vessel until they arrived at the "Margaret and Jessie," and that in these boats were officers dressed in the uniform of the navy of the United States of America, and having rowed round the "Margaret and Jessie" they returned to the vessel of war, which remained at anchor until dark, after which she was no more seen.

(Signed) FENN PECK.
M. M. KERR.

Declared to at Nassau this 8th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Bahama Islands, New Providence.

TO all to whom these presents shall come I, Bruce Lockhart Burnside, a Notary Public, by lawful authority appointed, duly admitted and sworn, residing and practising in the city of Nassau, in the Island of New Providence, do hereby certify the foregoing to be a full, just, and true copy of notarial declarations duly made before me the Undersigned Notary Public, by the declarants their named, as the same remains of record in my official record book from page 165 to 169.

In witness whereof I have hereunto set my hand and affixed my seal of office at Nassau, in the Island of New Providence, this 9th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

Inclosure 12 in No. 8.

Declarations of Daniel Trigg and H. B. Littlepage.

Bahama Islands, New Providence.

KNOW all men by these presents, that on this 6th day of June, in the year of our Lord 1863, before me Bruce Lockhart Burnside, a Notary Public by lawful authority appointed, duly admitted and sworn, residing and practising in the City of Nassau in the Island of New Providence, personally came and appeared Daniel Trigg and Hardin B. Littlepage, at present of the City of Nassau, in the Island of New Providence, gentlemen, who did solemnly declare, such declaration being made in pursuance of the Bahamas for substituting a declaration in lieu of an oath in certain cases—

That they the declarants were passengers on board the steam-ship "Margaret and Jessie," which sailed from the port of Charleston on the 27th day of May last bound for this port of Nassau.

That having heard read over to them the declaration of Robert C. Fonte, they can personally testify that everything therein contained is just and true, these declarants having been eye-witnesses to all the occurrences therein detailed and set forth, with the

exception of the officers in the boats being in the uniform of the navy of the United States of America, which the said Daniel Trigg did not himself see.

(Signed) DANIEL TRIGG.
H. B. LITTLEPAGE.

Declared to at Nassau, this 6th day of June, A.D. 1863.
(Signed) B. L. BURNSIDE, *Notary Public*.

Bahama Islands, New Providence.

To all to whom these presents shall come I, Bruce Lockhart Burnside, a Notary Public by lawful authority appointed, duly admitted and sworn, residing and practising in the City of Nassau, in the Island of New Providence, do hereby certify the foregoing to be a full, just, and true copy of notarial declarations duly made before me, the undersigned Notary Public, by the declarants therein-named, as the same remains of record in my official Record Book from page 163 to 165.

In witness whereof I have hereunto set my hand and fixed my seal of office at Nassau, in the Island of New Providence, this 10th day of June, A.D. 1863.

(Signed) B. L. BURNSIDE, *Notary Public*.

No. 9.

Earl Russell to Mr. Mason.

Sir,

Foreign Office, July 18, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, inclosing a list of vessels which had arrived at Nassau from American blockaded ports from the 18th of July, 1862, to the 2nd of June, 1863.

I am, &c.
(Signed) RUSSELL.

No. 10.

Earl Russell to Mr. Mason.

Sir,

Foreign Office, July 18, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, inclosing twelve affidavits made by passengers on board the steamer "Margaret and Jessie," respecting the sinking of that vessel by a shot from a United States' man-of-war, and I beg leave to thank you for the communication of these papers.

I am, &c.
(Signed) RUSSELL.

No. 11.

Mr. Mason to Earl Russell.—(Received July 21.)

My Lord,

24, Upper Seymour Street, Portman Square, July 21, 1863.

I HAVE the honour to inform your Lordship that I have received to-day a despatch from the Secretary of State at Richmond, dated the 12th of June ultimo, in which I am advised that the Government of the Confederate States has been informed by Mr. Moore, late Her Majesty's Consul at Richmond, of the receipt by him of despatches from your Lordship, stating that the prisoner Hester, charged with murder at Gibraltar, on board the Confederate steamer "Sumter," had been sent on board Her Majesty's ship "Shannon," leaving Gibraltar on the 6th of May last, to Bermuda.

That the consent of the United States' Government would be asked for the passage through the blockade of the ship having the prisoner on board ; and asking that arrangements should be made by the Confederate authorities to receive him, at whatever port the ship conveying him might arrive.

I am instructed by the Secretary of State to inform your Lordship that the Government of the Confederate States would be prepared to receive the prisoner at any port of the Confederacy where he may be delivered up ; and that in the event of a refusal on the part of the United States to consent to the passage of the "Shannon" through the blockade, a naval officer of the Confederacy would be sent to Bermuda, with authority to receive the prisoner, and to bring him into one of its ports in a vessel of the Confederate Government.

I am further instructed to renew to your Lordship, as Her Majesty's Secretary of State for Foreign Affairs, the expression of the thanks of the Confederate Government for your Lordship's considerate attention in the matter.

I avail myself of the occasion to inform your Lordship, that I have received, at the same time with the foregoing, the despatch of the 6th of June ultimo, of which I had the honour recently since to transmit to your Lordship an unofficial printed copy ; and, also a further despatch, dated on the 11th of June ultimo, concerning the case of Mr. Cridland, representing himself as "Acting English Consul" at Mobile, Alabama ; of which, together with that of the 6th of June, I am instructed to communicate copies to your Lordship, which I shall do as soon as the copies can be prepared.

I have, &c.
(Signed) J. M. MASON

No. 12.

Mr. Mason to Earl Russell.—(Received July 24.)

My Lord, 24, Upper Seymour Street, Portman Square, July 24, 1863.

I HAVE the honour to transmit to your Lordship herewith a copy of the despatch of the Secretary of State of the Confederate States of America to me, dated the 11th June ultimo, with copies of the documents accompanying it.

The instructions of the Secretary to me being confined to the duty of furnishing this copy to your Lordship, I refrain from any further act than to say, should it be the desire of the Government of Her Majesty to express any views on the matter contained therein, I will be happy in being the medium of communicating them to the Secretary of State at Richmond.

I have, &c.
(Signed) J. M. MASON.

Inclosure in No. 12.

Mr. Benjamin to Mr. Mason, June 11, 1863.

[See "North America, No. 13 (1864)," p. 25.]

Annexes.

(A).—*Extract from the "Richmond Whig" of May 18, 1863.*

FOREIGN CONSULS.—MR. CRIDLAND, for some years past Her Britannic Majesty's Vice-Consul at Richmond, is about to leave this city for Mobile, having in his pocket the commission of full Consul. So runs a common report, which has not yet been denied.

Mr. C.'s promotion will give great pleasure to his numerous friends in this city, where he is sincerely respected and warmly esteemed. But he is accredited to Mr. Lincoln, not to Mr. Davis, and his credentials bear recent date. This intelligence, so long as it remains uncontradicted, will not give pleasure to any one in the South. To be sure, we know that we have no national existence outside of our own fond imaginations, and that in the eyes of Great Britain we are still part and parcel of the United States, and destined, for all she cares, so to remain for ever. We know, further, that sundry private citizens of the South, nicknamed Ministers, are cooling their heels to no earthly purpose in the ante-chambers of St. James and the Tuileries, and this useless refrigeration of the *ossa calcis* of Messrs. Mason and Slidell has been going on for above a year. Nor are we ignorant that some remote intimations of these things have reached the "so-called Confederate Government" without exciting the least stir or movement on the part of the "so-called."

Knowing all this, our duty as good citizens and believers in that sound political dogma, "the Government is in the possession of facts," is to imitate the "so-called," and make no stir. Accordingly we make none.

Nevertheless, the creation at this late day of a Lincoln Consul at Mobile by the English Secretary of Foreign Affairs, and the acceptance of such a commission by that Consul, may well excite, if it does not excite, a tendency on the part of the Southern people to take the liberty of making a remark. There is a certain newness about the thing, which might, under other circumstances, occasion surprise; and, so to speak, a rawness in the matter that might, in ordinary times, produce a sensation bordering on the disagreeable. But these contingencies are remote. We are quite sure that there is not a man in the Confederacy who feels the slightest inclination to make any remark until the war is over, and the public as well as the "so-called Confederate Government" is in possession of those awful facts on which the unofficial mind would be justified in basing an opinion, and in the absence of which the private citizen is dutifully and reverently dumb.

So far as Mr. Cridland is concerned the statements made above may be unfounded. We shall be glad to hear it—if gladness be compatible with good citizenship and the facts possessed by the "so-called."

It is possible, though not probable, that there are no British Consuls accredited to the United States in this Confederacy or elsewhere. If such be the fact, we may venture to be agreeably surprised, so soon as the war terminates, and the mysterious possessions of the "so-called" are generally distributed. Pending the war, however, we shall esteem it a great privilege to be permitted by the "so-called" to be as indifferent to the dignity and honour of the country as we are ignorant of the appalling facts in possession of the aforesaid "so-called."

(B.)—*Extract from the "Richmond Whig" of May 19, 1863.*

MR. CRIDLAND.—WE desire to correct the report mentioned by us yesterday in connection with this gentleman, so far as to state that he goes to Mobile without commission from the Queen or exequatur from Washington, but simply at the request or order of Lord Lyons, to look after British interests in that quarter in an unofficial way. Of this we are assured by Mr. C. himself, who leaves the city this morning. In the capacity in which he goes, he will, we are sure, receive from the hospitable and polished people of Mobile the consideration and courtesy to which he is entitled.

(C.)—*Admiral Buchanan to Mr. Mallory.*

(Telegraphic.)

Mobile, June 4, 1863.

THE French Consul, M. Portz, has, in his official capacity as Acting English Consul, introduced me to Mr. Cridland, who has shown me an official document, signed by Lyons, appointing him the Acting English Consul at Mobile. Am I to recognize him as such?

(D.)—*Mr. Walsh to Mr. Magee.*

Dear Sir,

Bank of Mobile, Mobile, November 11, 1862.

THE State of Alabama is very anxious to insure to its creditors their dues to the utmost fraction, notwithstanding the obstacles now thrown in the way of United States' Government to prevent creditors in the Confederate States from meeting their obligations.

This State will owe, the coming year, in payment of its interest coupons, in bonds due British subjects, some 40,000*l.* sterling, which coupons are payable at the Union Bank and at the counting-house of the Messrs. Rothschild, in London. The State is not only anxious, but determined, if possible, to continue to protect its credit, and promptly meet its obligations as heretofore; also to fulfil strictly its promises to its foreign creditors, both in regard to the payment of its dues as well as its promised places of payment. With this view, will you allow me to invoke your kind aid, in behalf of the State, and this bank, which has acted as the fiscal agent of the State, for many years past, in the payment of its foreign interests, to fulfil its obligations, which is of the utmost importance, in every point of view, both to the State of Alabama and its foreign creditors. I have now to ask the favour of your ascertaining from the British Minister at Washington (or through any other channel) if this bank can be allowed to place in your hands the sum necessary, in coin, for transmission to England by the first favourable opportunity, at the expense of the State, for the purpose mentioned. I must ask you, kindly, to give me as early a reply to this communication as your convenience will permit.

I am, &c.

(Signed) CHARLES WALSH.

(E.)—*Mr. Magee to Mr. Walsh.*

Sir,

Mobile, November 14, 1862.

YOUR favour of the 11th current duly received, and referring to its contents I beg leave to inform you that I sent yesterday by an opportunity to New Orleans, a despatch to Her Britannic Majesty's Consul there stating the gist of your desire, and asked if Her Majesty's ship "Rinaldo," Captain Hewett, now at New Orleans, could not be sent to this place in order to receive from you the specie, take it hence to Havana, and allow the Consul-General of Great Britain to forward it per steamer to London.

If I fail here, I will invoke the aid of Lord Lyons at Washington.

I am, &c.

(Signed) JAMES MAGEE.

(F.)—*Mr. Walsh to Mr. Magee.*

I DO hereby certify that the thirty-one kegs of specie, marked B.M., containing each 5,000 dollars, together 155,000 dollars handed over to you by this institution for the purpose of having the same delivered to H. Bell, Consul-General at Havana, and to be transmitted thence to England to the consignment of the Union Bank of London, by the British mail-steamer, is for the purpose of paying dues to British subjects from the State of Alabama, and is the property and belongs to the subjects of Her Britannic Majesty.

Very respectfully, &c.

(Signed) CHARLES WALSH.

(G.)—*Mr. Walsh to Mr. Scrimgeour.*

Dear Sir,

Mobile, January 3, 1863.

THIS institution deposited in the French Consul's hands, for safe keeping, in May last, thirty-one kegs of specie, containing each 5,000 Mexican dollars, together 155,000 dollars, appropriated by the State of Alabama to pay the British and other foreign holders of State bonds, the interest due on sums as follows:

			£	s.	d.	
1863.	June 1	..	7,380	17	7.	Payable at Union Bank.
	July 1	..	3,215	11	9.	Ditto.
	July 1	..	465	17	3.	Payable at Messrs. Rothschild's.
1864.	January 1	..	3,215	11	9.	Payable at the Union Bank.
	January 1	..	465	17	3.	Payable at Messrs. Rothschild's.
	June 1	..	9,380	17	7.	Payable at the Union Bank.
	July 1	..	3,215	11	9.	Ditto.
	July 1	..	465	17	3.	Payable at Messrs. Rothschild's.
			29,806	2	2	

The arrival of Her Britannic Majesty's ship "Vesuvius," Lieutenant Crooke, affords the opportunity of sending this forward; and the said specie has been turned over to Her Britannic Majesty's Acting Consul here, James Magee, Esq., who has shipped it by the said vessel to James G. Crawford, Esq., Her Britannic Majesty's Consul-General at Havana, and who is requested to ship the same, by the British mail-steamer, to your consignment, for the purpose of paying it over to the parties holding the said interest coupons under such arrangements as have heretofore existed with you by this bank.

The charges for freight from this port, and all expenses belonging thereto, you will please pay to the debit of this bank.

I remain, &c.
(Signed) CHARLES WALSH.

B.M., thirty-one kegs specie, 5,000 dollars each, together 155,000 dollars.

(H.)—*Commander Hitchcock to Mr. Magee.*

Sir, "Susquehanna," Pensacola Bay, April 8, 1863.
YOUR communication of the 4th instant has this moment been received by flag of truce. In relation to your connection with the transaction of shipping specie from Mobile I know very little. The Commander of the "Vesuvius" told me he came to transact Government business with the British Consul, and that he believed he (the Consul) had some money to send by him. To which I replied, "We cannot examine an English man-of-war; we trust all you do will be right and proper. You could go up to the city, if you wished, where we do not go." Further than this I have no knowledge.

Very respectfully,
(Signed) N. B. HITCHCOCK.

(I.)—*Circular to Consuls and Consular Agents.*

Sir, Department of State, Richmond, June 10, 1863.
IT becomes my duty to inform you that the President has determined to permit no direct communication between Consuls or Consular Agents of foreign countries residing within the Confederacy, and the functionaries of such foreign Governments residing in the enemy's lines. The passage, in future, of Consular couriers, messengers, or of Consuls or Consular Agents themselves, through the Confederate lines to the enemy is accordingly prohibited, and foreign officials will be allowed to communicate with their Governments only directly, or through neutral countries.

With great respect, &c.
(Signed) J. P. BENJAMIN.

No. 13.

Earl Russell to Mr. Mason.

Sir, Foreign Office, July 25, 1863.
I HAVE the honour to acknowledge the receipt of your letter of the 21st instant, in which you inform me with reference to the case of the officer charged with murder on board the "Sumter," at Gibraltar, that the Confederate Government would be prepared to receive the prisoner at any one of the Southern ports where he might be delivered up, and that in the event of a refusal on the part of the United States' Government to consent to the passage of the "Shannon" through the blockade, a naval officer of the Confederacy would be sent to Bermuda, with authority to receive the prisoner, and to bring him into one of its ports in a vessel of the Confederate Government.

I have the honour to state to you in reply, that Her Majesty's Minister at Washington was not able to obtain the consent of the United States' Government to the passage of the "Shannon" through the blockade for the purpose above-mentioned, and that Her Majesty's Government having been advised by the Law Officers of the Crown that the prisoner was a person over whom no British Court had jurisdiction, came reluctantly to the conclusion that he ought not to be detained in custody by any British authority longer than might be necessary for the purpose of disposing of him on shore.

Orders were accordingly, about a fortnight back, given to that effect to the Governor of Bermuda, and to the British Admiral on the North American station, and Mr. Consul Moore would have been instructed in due course to communicate this result to the authorities at Richmond had he not been obliged to quit that city under the circumstances to which you refer in the concluding portion of your letter.

I am, &c.
(Signed) RUSSELL.

No. 14.

Mr. Mason to Earl Russell.—(Received July 30.)

My Lord, 24, Upper Seymour Street, Portman Square, July 29, 1863.

AS promised in my letter of the 21st of July instant, I have now the honour to communicate herewith to your Lordship a copy of the despatch of the 6th of June ultimo, from the Secretary of the Confederate States to me, with copies of the documents accompanying it. They relate to the matter of the dismissal of Mr. Moore, late British Consul at Richmond.

I have, &c.
(Signed) J. M. MASON.

Inclosure 1 in No. 14.

Mr. Benjamin to Mr. Mason, June 6, 1863.

[See "North America, No. 13 (1864)," pp. 6-8.]

Inclosure 2 in No. 14.

Consul Moore to Mr. Benjamin.

Sir, Richmond, February 16, 1863.

I HAVE the honour to request your favourable consideration of the following enactment, in so far as it regards British subjects.

I observe that the Legislature of Mississippi has passed an Act to amend an Act entitled "An Act to revise and reduce into one the Militia and Volunteer Laws of that State." Section 12 runs thus:—

"Be it further enacted that all white male persons above the age of 18 years and under the age of 50 years, residing temporarily or permanently in this State, and not specially exempted by law, shall be liable to serve in the Militia of this State."

Also, the following order has appeared thus:—

"Department of State, Richmond.

"Head-Quarters, State of Mississippi, Adjutant and Inspector-General's
Office, Jackson, January 19, 1863.

"Special Order, No. 271.

"Major-General T. C. Tupper.

"Section 3. You will order all field, company, and staff officers, not in active service, and all white males between the ages of 18 and 50, who are either temporarily or permanently residing in the State, to be included in the draft, except such as may be liable, and have not been discharged from conscription. All those discharged from State service by reason of surgeon's certificates, together with those who are exempt from

conscription by Act of Congress, are to be included in said draft, unless specially exempt by the laws of the State.

“By order,
(Signed) “JOHN J. PETTUS,
“Governor and Commander-in-chief.

(Signed) “JAMES S. HAMILTON,
“Adjutant and Inspector-General, State of Mississippi.”

I would therefore now crave your opinion as to the construction of this order, if I am to understand that any Act of Congress is to be subservient to the Legislature of Mississippi.

I put this question as a case has arisen this morning claiming my interference to protect a British subject, in accordance with the Queen's Proclamation of neutrality from enrolment in that State.

I have, &c.
(Signed) GEO. MOORE.

P.S.—Since writing the above I have received a letter from a Mr. Thomas Kingsly Jones, a British subject, from Rankin county, Mississippi, who according to his own statement has been most harshly dealt with, assaulted, and one eye injured, and imprisoned as a malefactor at Jackson, in a bitterly cold prison, for resisting the conscription. Mr. Jones holds a certificate of British nationality, and he has already rendered military service here, and has been honourably discharged; whose soldier's discharge is on file at my office.

G. M.

Inclosure 3 in No. 14.

Mr. Benjamin to Consul Moore.

Sir, *Department of State, Richmond, February 20, 1863.*

YOUR letter of 16th instant, in relation to certain enactments and military orders in the State of Mississippi, has been received. In that letter you also make reference to the complaint of a British subject, alleging ill-treatment at the hands of officers enforcing the conscript law in Mississippi.

Before replying to the subject matter of your letter it is deemed necessary to inquire into the extent of the authority vested in you by Her Majesty's Commission as her Consul in Richmond. The exequatur granted on that Commission by the Government of the United States was conferred at a date when that Government had the right to act in such matters as the agent of the States that have since formed the Confederacy, and the exequatur has therefore not been questioned. It was supposed to have reference solely to Consular functions in Richmond, or, at furthest, in the State of Virginia.

As your letter, however, initiates a diplomatic correspondence with this Department on the subject of the laws and regulations of the State of Mississippi, it becomes necessary to request that your Consular Commission, as well as any other authority you may have received to act in behalf of the Government of Her Britannic Majesty, be officially submitted to this Department, in order that the precise nature and extent of your functions may be ascertained before further correspondence can be held with you as Her Majesty's Consul at the port of Richmond.

I am, &c.
(Signed) J. P. BENJAMIN.

Inclosure 4 in No. 14.

Mr. Benjamin to Consul Moore, June 5, 1863.

[See “North America, No. 13 (1864),” p. 2.]

Inclosure 5 in No. 14.

Letters-Patent revoking Consul Moore's Exequatur.

[Ibid., p. 2.]

Inclosure 6 in No. 14.

*Lieutenant-Colonel Edgar to Captain Catlett, C.S.A.**Head-Quarters 26th Virginia Battalion,
Handley's Hill, May 25, 1863.*

Captain,

THE communication from the Secretary of War, asking information respecting the conscription of Nicholas Maloney and Eugene Farrel has been received, and in reply I submit the following :

Nicholas Maloney is a native of Ireland. He does not know exactly how long since he came from Ireland to this country. He has been a resident of Greenbrier County, Virginia, for eight years. He bought land in said county, and after the several payments were made he received the deed for the land, and that deed was recorded in the Clerk's Office of Greenbrier County three years ago. From the time of purchase till he was conscribed he resided upon and cultivated the land. His family still resides upon it. He has also exercised the right of suffrage. He was assigned (as a conscript) to this battalion in December 1862.

Eugene Farrel is a native of Ireland: does not know the exact time when he came to this country. He bought land in Fayette county, Virginia, and after the payments were made he received the deed for the land; that deed was recorded in the Clerk's Office of Fayette County. He afterwards exchanged his land in Fayette for land in Greenbrier. He afterwards sold one half of his land in Greenbrier to his brother, and his family still resides upon the half reserved. He has been a resident of Virginia for eight years, and has exercised the right of suffrage. He was assigned to this battalion as a conscript in December 1862. From time of purchase to time of conscription he resided upon and cultivated his land.

Very respectfully, &c.

(Signed) GEO. M. EDGAR.

Inclosure 7 in No. 14.

Mr. Moore to Mr. Caldwell.

My dear Sir,

Richmond, Virginia, May 5, 1863.

I HAVE just received your letter of the 30th April, and I have at once addressed a letter to the Secretary of War on the subject of Maloney and Farrel, of which I transcribe a copy herewith.

I am really at a loss to account for the dilatory proceedings, not to make use of any harsher term; however, I cannot help saying to you unofficially that the apparent apathy and indifference with which the War Department seems to regard cases of the most atrocious cruelty quite baffle all my preconceived opinions of my own kindred race.

I have lived thirty-two consecutive years (from 1826 to 1858) in despotic countries, and I am compelled to bear witness that I have met in those foreign countries more official courtesy and consideration from the local authorities on my representation of grievances than I have met at the hands of my own blood and lineage.

These reports, which I am obliged to send home, do not tend to the consummation which perhaps some of us desire.

I will say no more, for it grieves me to write this.

Believe me, &c.

(Signed) GEORGE MOORE.

No. 15.

*Mr. Mason to Earl Russell.—(Received July 30.)*My Lord, *24, Upper Seymour Street, Portman Square, July 29, 1863.*

I HAVE the honor to acknowledge receipt of your Lordship's letter of July 25th instant, in which I am informed that Her Majesty's Minister at Washington was not able to obtain the consent of the United States' Government to the passage of the "Shannon" through the blockade, for the purpose of delivering over to the authorities of the Confederate States a prisoner charged with murder, committed on board a Confederate vessel of war. Your Lordship further informs me that for reasons stated in the

letter, Her Majesty's Government had reluctantly come to the conclusion that the prisoner ought not to be detained in custody by any British authority longer than might be necessary to dispose of him on shore; and that orders had accordingly been issued to that effect to the proper authorities at Bermuda, and to the British Admiral on the North American station.

I shall send a copy of your Lordship's letter, by the first opportunity, to the Secretary of State at Richmond, and can only anticipate the great regret with which the President of the Confederate States will learn that Her Majesty's Government had deemed it proper to depart from its original purpose in regard to this prisoner, as the same had been communicated to him, under instructions from your Lordship, by Mr. Moore, late British Consul at Richmond.

I have, &c.
(Signed) J. M. MASON.

No. 16.

Earl Russell to Mr. Mason.

Sir,

Foreign Office, August 10, 1863.

WITH reference to your letter of the 16th ultimo inclosing a list of vessels which had arrived at Nassau from American blockaded ports from the 18th of April, 1862, to the 2nd of June, 1863, and to my letter of acknowledgment of the 18th ultimo, I think it right to observe that Her Majesty's Government see no reason to alter the opinion as to the efficiency of the blockade which was conveyed to you in my letters of the 10th and 27th of February last.

I am, &c.
(Signed) RUSSELL.

No. 17.

Earl Russell to Mr. Mason.

Sir,

Foreign Office, August 19, 1863.

IN reply to your letters of the 24th and 29th ultimo, I have to state to you that Mr. Acting Consul Magee failed in his duty to Her Majesty, by taking advantage of the presence of a ship of war of Her Majesty at Mobile to transmit specie to England. This transaction had the character in the eyes of Her Majesty's Government of aiding one of the belligerents against the other.

Laying aside, however, this question of the conduct of Mr. Acting Consul Magee, of which Her Majesty is the sole judge, I am willing to acknowledge that the so-styled Confederate States are not bound in any way to recognize an authority derived from Lord Lyons, Her Majesty's Minister at Washington.

But it is very desirable that persons authorized by Her Majesty should have the means of representing at Richmond and elsewhere in the Confederate States, the interests of British subjects who may be in the course of the war grievously wronged by the acts of subordinate officers. This has been done in other similar cases of States not recognized by Her Majesty, and it would be in conformity with the amity professed by the so-styled Confederate States towards Her Majesty and the British nation if arrangements could be made for correspondence between Agents appointed by Her Majesty's Government to reside in the Confederate States, and the authorities in such States.

I am, &c.
(Signed) RUSSELL.

No. 18.

Mr. Mason to Earl Russell.—(Received September 4.)

*24, Upper Seymour Street, Portman Square,
September 4, 1863.*

My Lord,

I HAVE had the honour to receive your Lordship's letter of the 19th August ultimo, in reply to mine of the 24th and 29th July ultimo. I shall transmit a copy of your Lordship's letter to the Secretary of State at Richmond.

The despatches of Mr. Benjamin (full copies of which I have by his direction furnished to your Lordship) certainly evince no disinclination to permit any person accredited by Her Majesty's Government as its Consular or other Agents to reside within the Confederate States, and as such to be in communication with the Government there. They explain only (and certainly in terms of amity) how it has resulted that the Government of the Confederate States has felt itself constrained to prohibit in future any direct communication between such agents and Her Majesty's Minister resident at Washington—a prohibition which I understand from those despatches is equally extended to all like Agents of foreign Powers and their Ministers at Washington. All communications to or from such Agents are in future to be made through vessels arriving from or despatched to neutral ports.

That it should have become necessary to impose this restriction is, I am sure, a matter of regret to the President of the Confederate States, but the circumstances which have called it forth are under the control of foreign Governments, and not under the control of the President.

In regard to the suggestion in your Lordship's letter that it would be "very desirable that persons authorized by Her Majesty should have the means of representing at Richmond and elsewhere in the Confederate States the interests of British subjects," which, as your Lordship states, "has been done in other similar cases of States not recognized by Her Majesty," under arrangements for correspondence between Agents appointed by Her Majesty's Government to reside in the Confederate States and the authorities in such States, I can only say that if it be your Lordship's pleasure to make this proposition in such form as may be agreeable to Her Majesty's Government, and not at variance with the views expressed in the despatches of Mr. Benjamin, I do not doubt it would receive the favourable consideration of the Government at Richmond, and I should be happy in being the medium to communicate it.

I have, &c.
(Signed) J. M. MASON.

No. 19.

Mr. Mason to Earl Russell.—(Received September 21.)

24, Upper Seymour Street, Portman Square,
September 21, 1863.

My Lord,

IN a despatch from the Secretary of State of the Confederate States of America, dated the 4th of August last, and now just received, I am instructed to consider the commission which brought me to England as at an end, and I am directed to withdraw at once from the country.

The reasons for terminating this mission are set forth in an extract from the despatch which I have the honour to communicate herewith. The President believes that "the Government of Her Majesty has determined to decline the overtures made through you for establishing by Treaty friendly relations between the two Governments, and entertains no intention of receiving you as the accredited Minister of this Government near the British Court.

"Under these circumstances your continued residence in London is neither conducive to the interests nor consistent with the dignity of this Government, and the President therefore requests that you consider your mission at an end, and that you withdraw with your Secretary from London."

Having made known to your Lordship on my arrival here the character and purposes of the mission entrusted to me by my Government, I have deemed it due to courtesy thus to make known to the Government of Her Majesty its determination, and that I shall, as directed, at once withdraw from England.

I have, &c.
(Signed) J. M. MASON.

No. 20.

Earl Russell to Mr. Mason.

Sir,

Foreign Office, September 25, 1863.

I HAVE had the honour of receiving your letter of the 21st instant, informing me that your Government have ordered you to withdraw from this country, on the ground

that Her Majesty's Government have declined the overtures made through you for establishing by Treaty friendly relations, and have no intention of receiving you as the accredited Minister of the Confederate States at the British Court.

I have on other occasions explained to you the reasons which have induced Her Majesty's Government to decline the overtures you allude to, and which have hitherto prevented the British Court from recognizing you as the accredited Minister of an established State.

These reasons are still in force, and it is not necessary to repeat them.

I regret that circumstances have prevented my cultivating your personal acquaintance, which in a different state of affairs I should have done with much pleasure and satisfaction.

I am, &c.
(Signed) RUSSELL.

No. 21.

Mr. Mason to Earl Russell.—(Received October 2.)

London, September 28, 1863.

MR. MASON presents his compliments to Earl Russell, and has the honour to inclose herewith two original papers pertaining to the case of the "Margaret and Jessie," recently received from the parties interested.

Mr. Mason does this because of his previous knowledge that this case had been brought to the notice of Earl Russell.

Inclosure 1 in No. 21.

Mr. Trenholm to Governor Bayley.

Sir,

Nassau, N. P., Bahamas, July 3, 1863.

THE Undersigned, George A. Trenholm, a citizen of the Confederate States of North America, and a merchant of the city of Charleston, in the State of South Carolina, begs leave respectfully to submit to your Excellency, and through your Excellency to Her Britannic Majesty's Imperial Government—

That on Saturday, the 30th of May last past, the steam-ship "Margaret and Jessie," a duly registered vessel in the said Confederate States, and the property of the Undersigned, while engaged in a lawful navigation and trade between the neutral port of Nassau, in the Island of New Providence, and the Confederate port of Charleston, and while proceeding on her voyage, with the emblem of her nationality at her mast, within waters of Her Majesty the Queen of Great Britain's jurisdiction, at less than one mile from the Island of Eleuthera, in the Bahamas, and within speaking distance of the settlement of James Point in said Island, after a hot pursuit and chase was fired into with shot and shell by an armed vessel bearing the colours of the United States of America, the same being, as the Undersigned verily believes, the United States' vessel of war "Rhode Island," until, being disabled by a ball which struck her on the starboard side, just above the water line, entering her boiler and paralysing her machinery, she became entirely unmanageable, foundered several times on the reef, and sank.

The outrage thus committed on the "Margaret and Jessie," and the injury sustained by her cargo, her machinery, and her hull, constituting a tort which, by the law of nations, can only be set up and brought to reparation through the agency and under the guarantees of the friendly Power within whose jurisdiction and in contempt of whose supremacy the wrong was perpetrated, the Undersigned lays this his complaint and claim before your Excellency that the same may be brought to the notice of Her Britannic Majesty's Government, and be attended to and acted upon with the zeal and energy which that Government is wont to apply to cases arising out of similar emergencies.

Appended will be found the protest and declarations taken by duly commissioned officers of the British Crown residing at Nassau. To these documents the Undersigned craves reference, as they will elucidate and stand in proof of the facts set forth in this Memorial.

The "Margaret and Jessie" being on an errand of legitimate trade, she had no motive to conceal, and therefore did not conceal, either her colours or the character of her venture; a belligerent, she was entitled to all the immunities and protection due to

friendly vessels on the coasts and in the ports, bays, harbours, and rivers of neutral jurisdiction.

After being chased by a Federal cruiser from a distance which the evidence puts at twenty miles from land, she had, by dint of swiftness, escaped the pursuer, and was making rapidly for the Island of Eleuthera, which she had neared less than 400 yards, when she was fired into, struck, and sunk, as aforesaid. That she was then within grounds where no Federal vessel could lawfully commit hostilities will not be denied, as even any forbearance on the part of the neutral Power, whose sovereignty and jurisdiction were thus invaded and infringed, instead of imparting legitimacy to the transgression, would not only entail upon such Power a liability co-extensive to the wrong suffered, but make it a party to the contest, as it would thereby have departed from the position of neutrality.

That it was an outrage of the deepest dye, fraught with all the evidences of the most unmitigated perverseness and effrontery, the declarations taken and herewith submitted, but too palpably establish.

Charles M. Morris, who was a passenger on board the "Margaret and Jessie," attests "that the firing into her by the Federal cruiser commenced when running for the Island of Eleuthera, she was only five miles distant from it, the war vessel continuing in pursuit, and incessantly discharging shot and shell, which fell thickly over and around the 'Margaret and Jessie,' until the latter arrived within 500 yards of the beach, when, to prevent her going upon the land, her course was changed, and she was headed westwardly, coasting and skirting the land at a distance from 400 to 500 yards from it; she thus continued for a period of an hour and three-quarters, during all which time she was never further than 500 yards from the land.

"The war vessel continued the chase, being about a mile from the 'Margaret and Jessie,' discharging shot and shell by broadsides, which fell thickly around the vessel, many passing over and striking the land; and so near was the 'Margaret and Jessie' during all this time kept to the shore, that she took ground several times in passing over the reefs, which lie a short distance from the land, and eventually a shell shot from the vessel of war struck the 'Margaret and Jessie,' she then being not further than 400 yards from the land, and passed through into her boiler, which so disabled her that within a minute of time she took the ground and filled with water."

This statement of Charles M. Morris is strengthened by the concordant declarations of all the other witnesses who testify to the same effect with slight variances, which would only go to reduce to 300 yards the distance at which the "Margaret and Jessie" stood from the beach the whole time that she was headed westwardly, and was kept coasting and skirting the land until she was struck, disabled, and sunk.

Thus is the fact fairly established that for upwards of an hour and three-quarters the "Margaret and Jessie," she being then within less than 500 yards from the Island of Eleuthera, and the United States' cruiser at less than a mile farther, was chased, pursued, and repeatedly fired into by the latter, without there being anything in her conduct of a nature to incend the wrath of the pursuer, or to afford him the slightest excuse for the infringement of British supremacy over grounds within which, under Her Britannic Majesty's protection, she was entitled to enjoy all the immunities of asylum, hospitality, and intercourse.

Nor could those on board the pursuing vessel have been, at any time, in error respecting the character of the waters over which they were treading. Not only was the "Margaret and Jessie" so close to the shore that her passengers could exchange words and converse with the people upon the beach, but the shots and shells fired from the Federal cruiser could be seen falling upon the land, passing through the tenements there, and forcing the inhabitants, stricken with terror, to fly from their dwellings, and seek refuge under the hills.

Clinton Johnson, a farmer of the Island of Eleuthera, who lives at the town known as James Cistern, on the south side of said island, thus describes the circumstances, the time and manner of the pursuit, which brought the "Margaret and Jessie" to the shoals where she was stranded. Says he:—

"On Saturday the 20th of May last I heard the reports of cannon on the north side of the island. I immediately went to the high land to the north of the town, and saw two steam-ships, one in chase of the other, the outer ship discharging guns very rapidly at the ship that was nearest to the shore, and both approaching at full speed to the land. The ship nearest the land was an unarmed vessel, and the vessel chasing her was a vessel of war. The unarmed vessel having arrived within 300 yards of the beach, changed her course, and skirted along the land, at no time being 400 yards from it. The vessel of war also changed her course, and having arrived within a distance of at most half-a-mile

from the other ship, continued for at least one hour and a-half to discharge without cessation shot and shell, which from time to time passed over the inner ship, and struck and exploded upon the land. Many of the shots fell within a distance of 100 yards from the dwelling-houses in the town of James Cistern, and caused great destruction among the trees and wood in the neighbourhood; and the inhabitants of the town, fearing that their houses would be struck by the shot, and some of them be killed, quitted the town, and took refuge under the hill until the firing had ceased."

It will be noticed that the chase and pursuit of the "Margaret and Jessie" were being had on the north side of the settlement at James Point, where the island is but two miles wide from north to south.

Thomas and Samuel Mackey, together with Theodore Cuvillier and William Hanna, of the same settlement, were fishing at the time on the south side of the settlement, and here is what they state of the occurrence as by them witnessed. Says Thomas Mackey:—

"I was out fishing. I heard the reports of several heavy guns. The sound came from the north-east across the island. When the boat" (his fishing-boat) "was about three miles from the Settlement, and about half-a-mile from the southern shore, I heard the report of another gun, and saw a cannon-shot fall in the water, about sixty or seventy yards a-head of the boat in which we were, and very near the boat in which Theodore Cuvillier was."

How near must the chasing vessel have been to the northern shore may easily be deduced from the fact of the shot traversing the island, and reaching more than seventy yards beyond the southern shore.

Theodore Cuvillier testifies that "while he was out fishing, on Saturday the 30th of May, on the southern side of the settlement of James Point, in the Island of Eleuthera, which Settlement is bounded on the north and south by the sea, the distance across being only two miles, he heard the report of several guns. He immediately went on shore, proceeded to a hill nearly over to the northern side, and climbed up a tree that he might see from whence the guns were being fired. On looking out to sea he saw two steamers, one of them having paddle-boxes, and steering down, outside of a reef which is about 300 or 400 yards from the shore; and the other, without paddle-boxes, also steering down, outside of the reef, about 500 or 600 yards from the first steamer. The steamer further out was firing at the inner one. She would fire first from one side, and then turn and fire from the other side. He could see the shots from these guns fall upon the land, about 300 yards from where he was up the tree, about half-a-mile from the Settlement. On seeing the shot fall so near, he jumped from the tree, ran back to the southern shore, and got into his boat to come home. While he was coming down, he heard a gun go off in the direction of the two steamers, and a cannon ball passed his head, and fell in the sea about thirty yards from him, which caused him to fall down in the boat from the shock."

Samuel Mackey, a planter, who resides at James Point, was also fishing on the southern side of the Settlement, "when he heard the reports of several heavy guns from the north-east, and on returning to the shore, being about three yards from it, saw a cannon-ball fall on the land in the inside of the Settlement where the houses are built, and found afterwards a portion of the shot in the place where he had seen it fall."

William Hanna corroborates every essential statement made by the preceding witnesses, and Jane Hanna gives the finishing stroke to the stirring scene, in her clear, short, and unadorned narration of incidents, which she watched the more closely as she found herself within range of the shots fired by the Federal cruiser, and in imminent peril of being killed by one of them.

This woman lives on the same settlement of James Point. On Saturday, the 30th May last, says she, "I was in my house at James Point when I heard guns firing from the sea. I looked out of the door of my house to the north. The house is on a hill, about two miles from the shore, on the northern side of the settlement. I can see the sea from the door. I saw a steamer passing up along the shore firing guns; I left my house and went on a hill near, when I saw another ahead, at which the other was firing; I watched them for some time, when the inner steamer turned and came down; I then saw the steamer that had been firing also turn and commence to fire at her. Several of the shots I saw fall on the land. I entered my house, when I heard another report of a gun, and something that struck on the roof of my house; I looked out of the door and saw the steamer that had been firing before opposite my house, and clouded in smoke. I went over to the northern side in the evening and saw one of the steamers on shore, and the other, the one that had been firing the guns, lying outside of her with a flag flying." (The United States' flag, as attested by other witnesses.)

The facts stated by these witnesses require no comment, and lose nothing by retaining the unstudied style in which they are told. Unless there be no virtue in the principles which regulate the relations between belligerents on the one side, and neutrals on the other, they cannot fail to impress themselves upon the mind as being of the most grave significance and import. The recognition by the great Powers of Christendom of the existence of civil war between the Confederate States and the States that still retain the name of United States of America, and the avowed determination of those Powers not to take part in the mighty conflict for independence on the one side, and for subjugation on the other, in which said States are engaged, has imparted to them not only the character of belligerents possessing the sovereign rights of war, and entitled to be respected in the exercise of those rights, but also those attributes which are inherent to friendly Powers, and invest them incontestably with equal rights of asylum, hospitality, and intercourse in neutral territories.

Confiding in the immunities arising out of the relations created by that recognition and that avowal, and reposing unbounded faith in the ability of the Powers thus committed by their own declarations to vindicate and uphold those immunities when invoked within their respective jurisdiction, the Undersigned, with others of the Confederate States, selected the port of Nassau, in the Bahamas, as one of the points where might be centred what of commercial intercourse and trade might find a channel to and from the Confederate ports, notwithstanding the difficulties and perils which the blockade of said ports was likely to entail upon such intercourse and trade.

The selection and the traffic proving highly profitable to both Her Britannic Majesty's subjects and the citizens of the Confederate States, there came to be established between Nassau on the one side, and Charleston and Wilmington on the other, a regular uninterrupted communication, through the steady voyages of upwards of twenty steamers carrying openly, and without serious hindrance, to and from said ports, the commodities interchanged in each of them respectively.

Of seven steamers which the Undersigned alone has kept plying on the sea between said ports, and which have performed no less than thirty-two round voyages within these twelve months just elapsed, aggregating a return cargo of over 21,000 bales of cotton, not one has ever been stopped in her trade, or in any manner impeded in her progress, by the interference of the blockading force; all of them have carried out successfully their adventure, with the exception of the "Kate" and the "Stonewall Jackson," which were lost by mere accident, the one as she ascended the river near Wilmington, and the other by being stranded on the bar at Charleston.

Among the said steamers was peculiarly distinguishable the "Margaret and Jessie" for the precision and steadiness of her voyages, having performed, in less than five months, five complete trips, with a full return cargo of cotton to Nassau, aggregating 3,714 bales, as may be seen by the sworn declaration of J. B. Lafitte, and the certified statement of the Custom-house Collector at this port hereto annexed.

It was not until the "Margaret and Jessie" fell in with a Federal cruiser, on grounds of Her Britannic Majesty's jurisdiction, and there was chased, pursued, and fired into by said cruiser within voice-hearing distance of land, near by and in sight of an inhabited settlement, and in defiance of the protection which she had an unquestionable right to enjoy, being within neutral waters, and far beyond the line assigned as the ultimate terminus for such hostilities, that a vessel of the Undersigned was interfered with and assailed.

The Undersigned therefore now files here, with a condensed statement and evidence of the loss which he has sustained in consequence of the piratical course pursued by the Federal cruiser towards the "Margaret and Jessie," respectfully requesting your Excellency to submit the same, with this Memorial and the accompanying documents, to the consideration of Her Britannic Majesty's Imperial Government, that it may please said Government, under the pledges, obligations, and guarantees of its declared neutrality, to press the same to a speedy recognition and settlement.

I have, &c.

(Signed) GEORGE A. TRENHOLM,
By his Agent JNO. B. LAFITTE.

Inclosure 2 in No. 21.

CLAIM of George Alfred Trenholm, of Charleston, South Carolina, against the Government of the United States of America, through the agency, and under the plighted guarantees, assumed by Her Britannic Majesty's Government in its recognition of the Confederate States as belligerents, and its avowal of neutrality in the contest between the said Confederate States and the said United States.

	£	s.	d.
Amount of salvage and expenses paid by Messrs. Henry Adderly and Co., as per their account marked A	11,198	17	7
Actual loss on cargo, as shown by statement marked B and the accompanying documents	17,532	5	0
Cost of repairs as estimated by Board of Surveyors, as shown by certificate copy of survey	14,000	0	0
Loss of freight for one round voyage, as shown by statement marked C and accompanying documents	26,407	4	2
	69,138	6	9

Nassau, New Providence, July 3, 1862.

(Signed)

GEORGE A. TRENHOLM,
By his Agent, JNO. B. LAFITTE.

No. 22.

Earl Russell to Mr. Mason.

Foreign Office, October 6, 1863.

LORD RUSSELL presents his compliments to Mr. Mason and has the honour to acknowledge the receipt of his note of the 28th ultimo, inclosing certain original papers relating to the case of the vessel "Margaret and Jessie."

Correspondence with Mr. Mason, Commissioner of
the so-styled Confederate States of America.

(In continuation of Papers presented to Parliament
in March 1863.)

*Presented to the House of Commons by Command
of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

401
NORTH AMERICA.

No. 15. (1864.)

PAPERS

RESPECTING THE

ARREST AND IMPRISONMENT

OF

MR. JAMES McHUGH

IN

THE UNITED STATES.

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address dated June 14, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

[3365]

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RETURN to an Address of the Honourable the House of Commons, dated June 14, 1864;

for—

“Copies of or Extracts from any Despatches from Lord Lyons referring to the Arrest and Imprisonment of Mr. James Mc Hugh, of Belfast, a prisoner confined in the State Prison of the United States of America :

“Of any Letters addressed by Mr. James Mc Hugh to Lord Lyons :

“And, of any Correspondence between Lord Lyons and the Government of the United States upon the subject of such Arrest and Imprisonment.”

No. 1.

Lord Lyons to Earl Russell.—(Received February 7.)

My Lord,

Washington, January 26, 1864.

THE inclosed papers relate to the case of Mr. James McHugh, who is imprisoned in Fort Lafayette.

The most important of them is a note from Mr. Seward (Inclosure No. 9), dated the 18th instant, which reached me last evening.

Your Lordship will perceive that Mr. Seward, after recounting the circumstances under which Mr. McHugh was arrested, and affirming that he was domiciled in the United States when the war broke out, states that he was arrested and is detained in military custody as an active enemy of the United States, who has no claim to be treated as a neutral subject of Her Majesty.

Your Lordship will also not fail to observe in Mr. Seward's note the following passage relative to the “Bermuda,” a vessel captured some time ago :—

“Since it is now confessed, and fully known, that the pretended insurgent authorities at Richmond are engaged in sending vessels and cargoes from British ports to American ports on so-called Government account, and since the ‘Bermuda’ was despatched with her unlawful cargo by Fraser, Trenholm, and Co., this Government presumes, in her case, until those who shall be found in her service shall prove the contrary, that she is not a neutral merchantman, but a war transport.”

Mr. Seward states that, Mr. McHugh having been found on board the “Bermuda” when she was taken, was on that occasion discharged from custody under the belief that he was a neutral subject.

It appears that on the capture of the “Bermuda” the master destroyed her papers.

I shall endeavour to give Mr. McHugh an opportunity of offering explanations respecting the statements made concerning him in Mr. Seward's note.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 1.

Consul Archibald to Lord Lyons.

My Lord,

New York, December 25, 1863.

I HAVE the honour to report to your Lordship, that Mr. James McHugh, a British subject, landed on the 17th instant, from the steamer “City of Washington” (which vessel arrived on that day at this port, from Queenstown), and was immediately arrested by the Custom-house officers. On the 19th instant I received a note, dated the 18th instant, from Mr. McHugh, informing me of his arrest and claiming my protection, and stating at the same time that he was ignorant of the cause of his arrest. On the same (the 19th) I applied to the Marshal for information as to the cause of Mr. McHugh's arrest, and received, on Monday the 21st, a reply from the Marshal, stating that Mr. McHugh had been arrested and handed over to him by the officers of the Customs

as a "bearer of rebel despatches" and because he had been concerned in running the blockade; that the Customs authorities were to produce evidence before him; and that unless direct evidence were produced before him in the course of that day he (the Marshal) would discharge Mr. McHugh.

On Wednesday the 23rd, finding by a note from Mr. McHugh that he was still in custody, I wrote a note to the Marshal inquiring why the prisoner had not been set at liberty. Not receiving any reply and having yesterday (the 24th) received a further urgent note from Mr. McHugh, I again addressed a note to the Marshal trusting that Mr. McHugh would be liberated in the course of yesterday. To this note I received a reply from the Marshal informing me that in pursuance of directions he was about to transfer Mr. McHugh from the County Jail to Fort Lafayette.

I therefore addressed a note to Mr. McHugh requesting him to inform me, frankly and fully, of all or any circumstances which he believed, or supposed, had led to his arrest. In reply I received from him, late last night, the letter herewith inclosed, which in compliance with his request I transmit for your Lordship's information, and for such action thereon as your Lordship may think fit.

From a perusal of this letter, it is manifest that Mr. McHugh owes his imprisonment in a very great measure to his own indiscretion, and to the exhibition of a partisanship at variance with his obligations as a neutral in the pending civil war. I have not as yet ascertained, however, any legally justifiable grounds for his arrest.

From hints which were dropped by the Collector, some short time since, in a conversation which I had with him, I surmise that the arrest and detention, as prisoners of war, of parties found on board vessels captured in the act of breaking the blockades, as well as of parties who, being known to have violated the blockade, have subsequently come, voluntarily within the jurisdiction of the Federal authorities, will be sought to be justified on the ground that such parties have violated the Act of Congress and President's Proclamation prohibiting intercourse with the insurrectionary States, and are to be treated as having been guilty of a military offence. This, I repeat, is but my conjecture; still it may possibly explain the cause of the long and unreasonable detention of the crew of the "Banshee," as well as that of Mr. McHugh's imprisonment.

I have, &c.

(Signed) E. M. ARCHIBALD.

Inclosure 2 in No. 1.

Mr. Mc Hugh to Consul Archibald.

Sir,

County Jail, New York, December 24, 1863.

I HAVE just received your favour; and I cannot understand what I have either said or done against the United States' authorities that they should consign me to this place, and then transfer me to the dungeons of Lafayette. I was born in Clogher County, Tyrone, and have lived in Belfast, Ireland, for the past twenty-one years, at which place my people carry on the business of linen manufacturers and bleachers, under the firm of B. and E. McHugh. I visited this country first in 1855, and stayed one month. I then came back in 1861 (before the war broke out), and went out to Savannah, Georgia, where my uncle carries on business as a dry goods merchant. I stayed there one month, and then went back to Ireland. My next appearance here was in Philadelphia, when I was brought in there on board the steamer "Bermuda," which was captured while on her passage from Bermuda to Nassau. I then stayed four months that time, and I now came out with samples of linens, &c., representing the Belfast house in this city, and when I got through here I purposed going on to Bermuda, and staying during the winter months. I have at the present time an immense quantity of goods consigned to myself at St. Georges, Bermuda; and as I have no representative there, I am afraid something may happen to the goods. During my passage from Liverpool to New York I do not believe I said anything that would hurt the most sensitive American in regard to their present troubles.

In a discussion that took place, I admired the policy of Jefferson Davis, and, like every British subject, I took the part of the weaker Power against that of the strong; one occasion, in the smoking-room, I did propose the health of President Davis, and as a British subject, and under the protection of the British flag, and on what is considered British soil, I considered I had a right to speak my mind freely, little thinking that when I arrived at the Revenue Office I should be arrested. What papers were on my person related to transactions and shipments between B. and E. McHugh, of Belfast, and

John Treanor and Nephew, of Savannah, Georgia, which I do not consider myself to be held responsible for. I had also an album containing the likenesses of my family and friends, and all the prominent Generals who have figured in this war on the Southern side, all of whom I purchased at a book-stall in Wall-street in this city about one year ago.

Requesting that my case may be laid before Lord Lyons on receipt of this, I remain, &c.

(Signed) JAMES Mc HUGH.

P.S.—I might add that, from what has occurred, I do not propose staying (after I get out) here one day after I can find shipment for Bermuda. For the truth of the statements on the other side, as to my stay and visits to this country, I would refer you to Eugene Kelly, Esq., Banker, Wall-street, and Joseph Fisher, Esq., Messrs. Fisher, Donnelly, and Co., Duane-street, also John McConville, Esq., Messrs. McConville and Murphy, Chamber-street.

J. Mc H.

Inclosure 3 in No. 1.

Lord Lyons to Mr. Seward.

Sir, *Washington, December 26, 1863.*

I HAVE the honour to transmit to you an extract of a despatch from Her Majesty's Consul at New York, relative to the arrest and imprisonment of Mr. James McHugh, who arrived at that place in the British packet "City of Washington" on the 17th instant, and who appears to be a British subject.

You will perceive that the Marshal at New York had stated to Her Majesty's Consul that he was about, in pursuance of directions, to transfer Mr. McHugh from the county jail to Fort Lafayette.

I trust you will be so good as to acquaint me as soon as possible with the grounds of the arrest and imprisonment of Mr. McHugh.

I have, &c.
(Signed) LYONS.

Inclosure 4 in No. 1.

Lord Lyons to Consul Archibald.

Sir, *Washington, December 26, 1863.*

I HAVE received to-day your despatch of yesterday, and I have transmitted an extract from it to the Secretary of State of the United States, and asked him to acquaint me immediately with the grounds of the arrest and imprisonment of Mr. James McHugh.

The extract which I have sent to the Secretary of State begins with the first words of your despatch, and ends with the words "to transfer Mr. McHugh from the county gaol to Fort Lafayette," which are the last words in the second paragraph.

I have, &c.
(Signed) LYONS.

Inclosure 5 in No. 1.

Mr. F. Seward to Lord Lyons.

My Lord, *Department of State, Washington, December 30, 1863.*

I HAVE the honour to acknowledge the receipt of your communication of the 26th instant, asking to be made acquainted with the grounds of the arrest and imprisonment of Mr. James McHugh, who arrived at New York in the British packet "City of Washington" on the 17th of this month; and to state that a copy of it has been sent to the Secretary of War with the view of obtaining the desired information.

I have, &c.
(Signed) F. W. SEWARD.

Inclosure 6 in No. 1.

Mr. Mc Hugh to Lord Lyons.

My Lord,

Fort Lafayette, New York, January 16, 1864.

MY long incarceration here compels me to address you directly, instead of through Mr. Archibald, to whom I sent all the particulars of my arrest.

I arrived in this country in the steamer "City of Washington" on the 18th of December, 1863; my luggage was re-examined; I had to undress, and my person searched; all my letters and papers were taken from me; and I was sent to the United States' Marshal, who gave an order to lodge me in the county jail, where I was confined eleven days. During my stay there Mr. Archibald demanded to know why I was arrested, and in reply, "he was informed that it was on complaint of the Revenue Officers for being a bearer of rebel despatches. None were found, but in his possession were found papers showing that he had violated our blockade. Should no other further evidence be forthcoming I will dismiss the prisoner."

On the day that this letter was written Mr. Andrews, a lawyer in this city, called upon me, and said they had no evidence to hold me, and he could procure my release for 700 dollars. I told him that as I had been illegally arrested I would not give one penny. The charge on which I am put here is, as the Adjutant of the post informed me, for "illegal correspondence with the rebel insurgents." I am not acquainted with any of the leaders in the Southern Confederacy, and therefore could not have had any correspondence with them.

I came here as a commercial traveller representing the firm of B. and E. McHugh, linen manufacturers and bleachers, Belfast, Ireland. I purposed staying here about two weeks, and then proceeding to the Bermudas, Bahamas, Jamaica, St. Thomas, &c., at which place they have agents for the sale of their goods.

I am now nineteen days in this place, and we are given, as I am told by Southern officers confined here, less than half rations.

As this illegal confinement has been a loss to me and the firm I represent, I purpose making a claim upon the United States' Government, through your Lordship, for compensation at the rate of 200*l.* per day.

Any communication your Lordship may be pleased to favour me with, please address "Care of James Sullivan, Esq., 131, Water-street, New York."

I remain, &c.

(Signed) JAMES McHUGH.

P.S.—I was born in Clogher, county Tyrone, on the 20th of February, 1839. I have lived during the last twenty-one years in Belfast, and have never lived or had any place or residence in this country.

Inclosure 7 in No. 1.

Lord Lyons to Mr. Mc Hugh.

Sir,

Washington, January 25, 1864.

I WAS duly made acquainted by Her Majesty's Consul at New York with your arrest, and, as I informed the Consul, I immediately addressed a representation concerning it to the United States' Government. I have since been in frequent communication with the Secretary of State of the United States on the subject, but I am sorry to say my endeavours to obtain your release have hitherto been unsuccessful. Your case will have my constant attention.

I am, &c.

(Signed) LYONS.

Inclosure 8 in No. 1.

Lord Lyons to Consul Archibald.

Sir,

Washington, January 25, 1864.

I INCLOSE, under flying seal, a letter which I have addressed to Mr. James McHugh in answer to a letter which I have received from him. I request you to forward it to its address.

I am, &c.
(Signed) LYONS.

Inclosure 9 in No. 1.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, January 18, 1864.

I HAVE now the honour to communicate to your Lordship the facts relating to the arrest of James McHugh, referred to in your note of the 26th ultimo, with the view of that case which is taken by this Government.

James McHugh claims that he was born in Ireland, and is therefore a subject of the Queen of Great Britain.

He was domiciled, residing and pursuing mercantile business in Savannah when the insurrection broke out, and at the time of his arrest was a clerk in the service of a John Treanor, an insurgent residing in Savannah. It is not known, nor does it appear that McHugh, after coming to this country, has manifested or entertained any intention of returning to Great Britain and renewing his alleged native allegiance. It is not known to this Government whether or not he has been naturalized, or has made the preliminary legal declaration of an intention to become a citizen of the United States.

He left Savannah after the war began, but at what time is not known to this Government; and by running the blockade proceeded to Ireland. In pursuance of instructions from his employer, he purchased in some British port merchandize to be shipped and run through the blockade to Savannah. This merchandize was of a value between 17,000 and 18,000 dollars. It was shipped at Liverpool on board of the "Bermuda," which claimed, whether truly or not this Government is not informed, to be a British vessel, and which bore the British flag. She carried, besides the freight before named, drugs, gunpowder, and cannon. The shipping agents were Fraser, Trenholm, and Co., agents at Liverpool of the insurgents at Richmond. The captain of the "Bermuda" was an insurgent citizen of the United States, born in Charleston, and residing there or in some other part of the region now in insurrection. The vessel was cleared for Bermuda, and no other port, and arrived at that port, McHugh being on board, together with the aforementioned freight. After some stay there the "Bermuda" proceeded to sea under a pretence of going to Nassau, but really intending to run the blockade. The "Bermuda" was taken into Philadelphia, where the prisoner's examination was taken, and there he was discharged from custody under a belief that he was a neutral subject.

In the month of December last this Government found it necessary to institute a search of vessels and passengers departing from the port of New York, in order to prevent piracy in our waters and on the high seas. McHugh was found on board the steam-ship "City of Washington," then about to leave New York. On his person were found a collection of pictures, illustrative of his devotion to and habitual association with the insurgents, and of hostility to the United States; and letters addressed by disloyal citizens in Baltimore to pretended officers in the insurgent forces, bearing the pretended postage stamps of the insurgents. Under these circumstances James McHugh was arrested, and is detained in military custody as an active enemy of the United States, who has no claim to be treated as a neutral subject of Her Majesty the Queen of Great Britain.

I am further to inform your Lordship that, since it is now confessed and fully known that the pretended insurgent authorities at Richmond are engaged in sending vessels and cargoes from British ports to the so-called Government account, and since the "Bermuda" was despatched with her unlawful cargo by Fraser, Trenholm, and Co., this Government presumes, in her case, until those who shall be found in her service shall prove to the contrary, that she is not a neutral merchantman, but a war transport,

and that James McHugh, a resident owing temporary if not general allegiance to the United States, having been found on board of her with arms and munitions of war for the enemy, is on that ground detained as an insurgent, amenable to the laws of the United States. I append a copy of an intercepted letter written by the prisoner McHugh.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 10 in No. 1.

Mr. Mc Hugh to Mr. Lamar.

Dear Sir,

Belfast, July 24, 1863.

YOUR favour of the 22nd is to hand. I was pleased to see your name in the paper as having arrived by the "Canada," as I feared you were on board the steamer "Victory," captured by the United States' steamer "Florida," off Frying Pan Shoals, last month. Should you not succeed in procuring steamers, we have still a few left here that may be had at a price. A very nice little river steamer called the "Heroine" leaves here at the latter end of next month, virtually for the Australian trade. Although the parties have paid 500*l.* for a deposit, yet they make back down, as they bought her thinking that Vicksburg would still be able to hold out. I shall be glad to hear from you as to what day I may expect you over here. If not convenient I shall go and meet you in Liverpool. Waiting your reply, I remain, &c.

(Signed) JAMES McHUGH.

Inclosure 11 in No. 1.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, January 26, 1864.

REFERRING to my note of the 18th instant relative to the case of James McHugh, I have the honour to call your Lordship's attention to the 4th paragraph of a synopsis of letters which were found in the trunk of Mr. James A. Gray, which mentions the contents of a letter addressed by James McHugh, of Belfast, to Mr. Gray, a copy of which synopsis accompanied my note of the 9th ultimo to your Lordship in regard to the arrest and detention of Gray.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 12 in No. 1.

Extract from Précis of Correspondence found on Mr. J. A. Gray.

JAMES MC HUGH, of Belfast, writes to Mr. Gray asking him to use his influence with Governor Brown to have a friend made Paymaster on one of the Confederate men-of-war, and congratulating him on the defeat of Rosencranz; also telling him to hold on to his bonds, as they will soon be at par; and as Mr. Gray is about returning to the Confederacy, to return and bring out more bonds.

October 2, 1863.

No. 2.

Lord Lyons to Earl Russell.—(Received February 28.)

My Lord,

Washington, February 12, 1864.

WITH reference to my despatch of the 27th ultimo, I have the honour to transmit to your Lordship copies of further correspondence between Mr. Consul Archibald and me relative to the imprisonment of Mr. James Mc Hugh.

As I have not been furnished with any additional evidence calculated to induce Mr. Seward to depart from the conclusion to which he has come, that Mr. Mc Hugh is to be regarded as an active enemy of the United States, who has no claim to be treated

as a neutral subject of Her Majesty, I have thought it better to wait for instructions from your Lordship before taking any fresh step.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 2.

Lord Lyons to Consul Archibald.

Sir,

Washington, January 28, 1864.

WITH reference to your despatch of the 25th ultimo, and to my despatches of the 26th ultimo and of the 25th instant, I transmit to you an extract from a note which I have received from the Secretary of State of the United States in answer to my representations in behalf of Mr. James McHugh.

I inclose also a copy of an intercepted letter purporting to be addressed by Mr. McHugh to a Mr. Lamar,* to which the Secretary of State refers in his note.

The Secretary of State has, moreover, called my attention to the synopsis (a copy of which I also inclose†) of a letter purporting to be addressed by Mr. McHugh to a Mr. Gray.

You will endeavour to give Mr. McHugh an opportunity of stating any observations which he may desire to offer on the charges made against him.

I am, &c.
(Signed) LYONS.

Inclosure 2 in No. 2.

Consul Archibald to Lord Lyons.

My Lord,

New York, February 9, 1864.

IN compliance with instructions I transmitted to Mr. James McHugh a copy of the inclosures contained in your Lordship's despatch of the 28th ultimo, and obtained from him a sworn statement in explanation of the charges made against him, a copy of which statement I have the honour to transmit herewith inclosed for your Lordship's information.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 3 in No. 2.

Affidavit of James McHugh.

JAMES McHUGH being sworn states as follows:—I was born in Ireland and am a British subject, never having renounced my allegiance to Her Majesty. I arrived in Savannah in May 1861, and left there in June of the same year. I was a partner of John Treanor referred to in Mr. Seward's despatch. Have never declared my intention to become a citizen of the United States or the so-called Confederate States. Have never voted at any election therein. I arrived from Liverpool in the steamer "City of Washington" on the 18th of December last. I was not about leaving in her, as stated, when arrested. I came to this country as representative of B. and E. McHugh, of Belfast, Ireland, to sell their products, such as linens, &c.; when I finished my business here I intended to go to the West Indies to represent them there. The collection of pictures alluded to in Mr. Seward's despatch were purchased in New York. I had no letters in my possession of disloyal citizens of Baltimore to pretended officers of the Southern army. I now consider myself a partner of John Treanor referred to. I have never entered the service in any capacity of the so-called Confederate States.

Sworn and subscribed at Fort Lafayette, the 5th day of February, A.D. 1864.

(Signed) JAMES McHUGH.

Before me,

(Signed) JAMES FITZPATRICK, *Acting for Her Britannic Majesty's Consul.*

* Inclosure 10 in No. 1.

† Inclosure 12 in No. 1.

Inclosure 4 in No. 2.

Lord Lyons to Consul Archibald.

Sir,

Washington, February 11, 1864.

I HAVE considered the sworn statement of Mr. James McHugh, a copy of which was inclosed in your despatch of the day before yesterday. It is plain that it does not contain anything which would be likely to induce the Secretary of State of the United States to depart from the conclusion to which he has come, that Mr. McHugh is to be regarded as an active enemy of the United States, who has no claim to be treated as a neutral subject of Her Majesty. It therefore remains only for me to submit Mr. McHugh's statement to Her Majesty's Government, and this I will do without delay.

I am, &c.

(Signed) LYONS.

No. 3.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, March 10, 1864.

I HAVE received your Lordship's despatch of the 26th of January, respecting the case of James McHugh, a prisoner in Fort Lafayette; but I must defer giving you any definite instructions in regard to it until I hear from you whether he has any explanation to offer in regard to the statement made by the United States' Government that he was domiciled in the United States when the war broke out, and was arrested and detained in military custody as an active enemy of the United States.

With reference, however, to the statement in Mr. Seward's letter of the 18th of January, replying to your Lordship's inquiry respecting McHugh, that vessels freighted by Messrs. Fraser, Trenholm, and Co., of Liverpool, will henceforth be presumed to be war transports till the contrary is shown, I have to instruct your Lordship to state to Mr. Seward, in strong terms, that Her Majesty's Government cannot admit that the fact that a ship belongs to Messrs. Fraser, Trenholm, and Co. should be held to warrant an assumption that such ship is a war transport until the contrary is shown.

In all such cases, unless it can be proved by proper testimony that the vessel captured is a war transport of the Confederates, your Lordship must require the immediate liberation of such persons of the crew as may be British subjects, and whose evidence may not be required for proceedings against the vessel; and even in this latter case such persons should not be treated as prisoners of war, but as necessary witnesses, and should not be detained beyond the time which may reasonably be required for their examination.

I am, &c.

(Signed) RUSSELL.

No. 4.

Lord Lyons to Earl Russell.—(Received April 19.)

My Lord,

Washington, April 5, 1864.

WITH reference to my despatches of the 26th January and of the 12th February last, I have the honour to transmit to your Lordship copies of further correspondence relative to the imprisonment of Mr. James McHugh.

Having received from Mr. McHugh a denial of several of the statements on which Mr. Seward rested the conclusion that he was an active enemy of the United States, who had no claim to be treated as a neutral subject of Her Majesty, I addressed the United States' Government again on the case without waiting for instructions from your Lordship. I was anxious to submit Mr. McHugh's denial to this Government as soon as possible, in the hope that it might lead to his being released. I regret to say, however, he is still in prison.

Among the inclosures in the present despatch is a note in which, in obedience to the instruction conveyed to me by your Lordship's despatch of the 10th ultimo, I have informed Mr. Seward, with reference to his note of the 18th January last on the case of Mr. McHugh, that Her Majesty's Government cannot admit that the fact that a

ship belonging to Messrs. Fraser, Trenholm and Co., shall be held to warrant a assumption that such ship is a war transport, or that the crew are to be treated as prisoners of war.

Mr. McHugh informs me that he has sent the papers respecting his case to Sir Hugh Cairns.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 4.

Consul Archibald to Lord Lyons.

My Lord,

New York, February 23, 1864.

I HAVE the honour to transmit herewith inclosed a copy of a note from Mr. James McHugh, dated the 13th instant, but received by me only this morning, accompanying a letter addressed to your Lordship, which I transmit in original, offering observations in reply to and in explanation of the charges made against him on the part of the United States' Government.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 2 in No. 4.

Mr. Mc Hugh to Lord Lyons.

My Lord,

Fort Lafayette, February 13, 1864.

I AVAIL myself of the earliest possible opportunity to reply categorically to the charges made against me, communicated by your Lordship to Her Britannic Majesty's Consul, recently laid before me, consisting of extract and copy of two letters of mine, and summary of Mr. Seward's, Secretary of State of this Government, on the same and other charges. Respecting that addressed to Mr. Gray, written at Belfast, and addressed to Mr. Gray, Queenstown, Ireland, I claim, as a British subject, the right to communicate with any one in Her Majesty's dominions on any subject not in violation of Her Majesty's Proclamation and the laws of Great Britain; and as the transaction referred to about Mr. McCoy simply applies to a contemplated appointment by a Governor Brown, through the influence of Mr. Gray, one of whom is at present is a belligerent with the United States, and the other "Gray's" nationality being unknown to me, it is difficult to conceive in what way I have forfeited my right as a British subject, or come under the jurisdiction of the United States' authorities for that act. Neither am I aware that a commercial recommendation to buy or sell any shares, stocks, or bonds, which are openly negotiated on every Exchange in Europe (as are also the United States' securities), constitute an offence punishable by law in either of the belligerent States, if effected, or "recommended to be effected" in a neutral country. The same remarks apply equally to the sale of a steamer or steamers referred to in my letter to a Mr. Lamar at Liverpool at a price I am justified in selling to any buyer, whether Confederate, United States' subjects, or Chinese (with the use and application of the same I have nothing to do, although I may possibly have an idea of their intended uses, the risk of which in no way devolves upon me, and therefore absolves me from all participation in the purposes to which they may be afterwards applied.)

As a matter of course the defeat of Rosencranz, or the fall of Vicksburg, alluded to in one and the other communications, affect commercially the value of the bonds or steamers to be traded in, and as such, only enlist my expressed sympathies, as they would have done in the reverse sense had I been interested in greenbacks or other United States' securities.

In answer to Mr. Seward's summary against me dated the 18th of January, I beg leave to represent that I am a British subject, born in Ireland; also that "I was not domiciled, resident, or pursuing mercantile business in Savannah when the insurrection broke out." I joined the house of John Treanor in May 1861, and left in June 1861; and his being a so-called insurgent in no ways justifies the application of the same term to myself. I was a passenger on board the steamer "Bermuda," bound from Bermuda to Nassau, and captured off Abaco light while steering for the latter port, and not, as asserted, taken when attempting to run the blockade. We were brought into Phila-

delphia in May 1862, and I left New York in the following September for Europe, where I have been until my return here on the 18th of December, 1863, when, on my landing at the Revenue Office, my baggage was examined and I was arrested.

Mr. Seward says, "It is not known, nor does it appear," &c. If none of these points are known to the United States' Government, it is difficult to conceive on what they base their charges, unless it be upon the bare supposition that I might be, or may have intended to become, a citizen of the United States, which seems very bare ground to base any charge upon; and inasmuch as I have only just returned from Great Britain, where it is not customary for a subject who has travelled to perform any formal renewal of allegiance, and as I was arrested on landing from, "and not in the act of sailing by, the 'City of Washington,'" as stated further on in Mr. Seward's despatch, the Government of the United States must, if properly informed by the functionaries charged with that office, be as well aware of that fact as they are ignorant of the charges enumerated (which Mr. Seward says are not known).

Respecting the capture of the "Bermuda," I have nothing to say, that being matter for the decision of the Prize Courts; but I do not see what on earth I have to do with the various agencies of the shipping Agents, Fraser, Trenholm and Co., or the nationality, insurrectionary qualities, or birthplace of her Commander. I was discharged in Philadelphia as a neutral subject proceeding to Savannah, by the only probable means of reaching the place; and I have not before heard it alleged that being a passenger from one English colonial port to another, even with a view to enter a blockaded port thereafter, constituted an act of hostility to one of two belligerent States. It is also a novelty in legislation that any one having been discharged, as he was entitled to be in such a case in May 1862, should be re-arrested, and re-proceeded against for the same offence nineteen months afterwards on his return to this country from Europe on totally different business.

My arrest, as before stated, took place on the arrival of the "City of Washington," and not, as stated in Mr. Seward's document, on my intended departure, and no papers or letters or contraband was found about me. I was therefore naturally surprised, when examined by the Military Commission sent down here to investigate the cases of arbitrary arrest in this fort, to find myself charged with being carrier of a bundle of letters, which Mr. Seward alludes to in rather severe terms, and addressed by disloyal citizens of Baltimore to officers in the so-called Confederate States, on examining which they proved to be those which had been taken from the person of Lieutenant Rooke of Her Britannic Majesty's ship now here, and on inquiry they were identified by him. Thus it seems that between detectives, City Marshals, Ministers of State, and Military Commissioners, one case is jumbled up and confounded with another for the benefit of the suspected of what is neither known or proven. The last item on which stress is laid, is having in my possession sundry photographs of so-called insurgents, which Mr. Seward claims "to be illustrative of devotion to, and habitual association with the same." If this be so, there must be an immense amount thereof in all the fancy stores of this city, where they were purchased, and although I possess also a few of Union officers, it did not occur to me that the investment of 50 cents in the portraits of Generals Lee and Jackson necessarily involved the outlay of the same amount of currency in the perpetuation of Generals Pope and Butler to insure myself from immunity and oppression.

In conclusion, my Lord, I need hardly point out the admixture of assumptions, errors, suppository deductions, and trivialities. I think it will be manifest to your Lordship that my arrest and imprisonment is but part of a vexatious and persistent system of oppression and wrong practised on British subjects, applied indiscriminately to those who have some interest in Confederate territory and those who have none in this section of the United States, and I trust to the continued exercise of your official influence to expose and put an end to it by exerting in my favour the simple application of the law to which, as a British subject, I am entitled by Treaty stipulations.

I have, &c.

(Signed) JAMES Mc HUGH.

Inclosure 3 in No. 4.

Mr. Mc Hugh to Consul Archibald.

Sir,

Fort Lafayette, New York Harbour, February 13, 1864.

INCLOSED you will find my statement refuting the charges adduced against me by Mr. Seward, which please forward to his Excellency Lord Lyons, and request his

attention to same; as I am now a prisoner for two months, and see no immediate prospect of a legal investigation with a view to my release.

I am, &c.
(Signed) JAMES Mc HUGH.

Inclosure 4 in No. 4.

Consul Archibald to Lord Lyons.

My Lord,

New York, February 24, 1864.

REFERRING to my despatch of the 23rd instant, I have the honour to transmit herewith inclosed an affidavit in support of the statement by Mr. James Mc Hugh that he is a British subject.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure 5 in No. 4.

Affidavit of Messrs. Clark and Kavanagh.

WE the undersigned residents of Belfast, county of Antrim, Ireland, being duly sworn, declare and say:—

That we are acquainted with James Mc Hugh; that he was born in the county of Tyrone, Ireland, about or in the year 1838; that he went to the United States of America on Wednesday the 4th day of December, 1863, and that we know him to be a British subject.

(Signed) HUGH C. CLARKE.
JAMES KAVANAGH.

Subscribed and sworn to before me, the Mayor of Belfast, by H. C. Clarke and James Kavanagh, who are credible witnesses, on this 9th day of January, 1864, the figures 1863 and also 1864 being first inserted.

(Signed) JOHN LYTH, *Mayor of Belfast.*

To all to whom these presents shall come, greeting.

I, John Young, Consul of the United States of America for the port of Belfast (Ireland) and its dependencies, do certify and make known to whom these presents shall come:—

That John Lyth is Mayor of Belfast, and that his signature to the annexed document is genuine.

Given under my hand and the seal of this Consulate at Belfast, this 9th day of January in the year 1864.

(Signed) JOHN YOUNG, *United States' Consul.*

Inclosure 6 in No. 4.

Lord Lyons to Mr. Seward.

Sir,

Washington, February 25, 1864.

WITH reference to your notes dated the 18th and 26th ultimo, I have the honour to transmit to you extracts from a letter addressed to me by Mr. James McHugh, and to lay before you an original affidavit, showing him to be a native-born British subject.

You will perceive that Mr. McHugh denies that "he was domiciled, residing, and pursuing mercantile business in Savannah when the insurrection broke out;" and you will observe that he states that he was arrested on landing from, not in the act of sailing by, the steamer "City of Washington," and affirms that no newspapers or letters, or contraband articles were found upon him, and that it appeared on investigation that the bundle of letters supposed to have been in his possession were in fact taken from another person.

I request you to be so good as to send the original certificate back to me.

I have, &c.
(Signed) LYONS.

Inclosure 7 in No. 4.

Lord Lyons to Consul Archibald.

Sir,

Washington, February 25, 1864.

I HAVE received your despatches of the day before yesterday, and of yesterday, and I have laid before the Secretary of State of the United States the certificate respecting Mr. James McHugh which was inclosed in the latter, and extracts from the letter from Mr. McHugh to me, which was inclosed in the former.

I am, &c.
(Signed) LYONS.

Inclosure 8 in No. 4.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, February 26, 1864.

I HAVE the honour to acknowledge the receipt of your note of yesterday and its accompaniments relative to the case of Mr. James McHugh, a prisoner at Fort Lafayette, and to inform you that a copy of the papers has been communicated to Major-General John A. Dix at New York.

In compliance with your request, the original certificate which accompanied your note is herewith returned.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 9 in No. 4.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 4, 1864.

IN a note dated the 26th of February last you were so good as to inform me that the statements made by Mr. McHugh, which I had the honour to submit to you with my note of the previous day, had been forwarded to Major-General Dix.

As more than a month has since elapsed, and as I have reason to believe that Mr. McHugh is still a prisoner at Fort Lafayette, I venture to ask you to be so good as to let me know how the case now stands, and especially to inform me whether any doubt has been thrown on the accuracy of Mr. McHugh's statements.

I have, &c.
(Signed) LYONS.

Inclosure 10 in No. 4.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 5, 1864.

HER Majesty's Government have had under their consideration the notes which you did me the honour to address to me on the 18th and 26th January last, concerning the case of Mr. James McHugh, a prisoner at Fort Lafayette.

Her Majesty's Government have deemed it right to wait for further information, before sending me instructions respecting the imprisonment of Mr. McHugh. But with regard to the statements made in the note of the 18th January, that "since the 'Bermuda' was despatched with her unlawful cargo by Fraser, Trenholm, and Co., this Government, presumes in her case, until those who shall be found in her service shall prove to the contrary, that she is not a neutral merchantman, but a war transport." Her Majesty's Government have directed me to state distinctly to you that they cannot admit that the fact that a ship belongs to Messrs. Fraser, Trenholm, and Co., should be held to warrant an assumption, until the contrary is shown, that such ship is a war transport.

Her Majesty's Government insist, that in every such case, unless it can be proved by proper testimony that the vessel captured is a war transport of the so-called Confederates, those persons of the crew who may be British subjects, and whose evidence

may not be required for proceedings against the vessel should be liberated immediately, and that those whose evidence may be wanted should not be treated as prisoners of war, but as necessary witnesses, and should not be detained beyond the time which may be reasonably required for their examination.

I have, &c.
(Signed) LYONS.

Inclosure 11 in No. 4.

Mr. Mc Hugh to Lord Lyons.

My Lord, *Fort Lafayette, New York Harbour, April 4, 1864.*

I HAD the honour of addressing you on the 13th of February ; since then I have heard nothing about my case, except undergoing (for the third time) another examination before the Military Commissioner, by special orders from Mr. Seward.

In again calling your attention to my case, I have to add that a member of the Commission has informed my friends in the city that they cannot make a case against me, notwithstanding which I am still detained, and now nearly four months a prisoner. As I have failed to procure my liberation through the representations of your Lordship, I have submitted my papers and all correspondence to the perusal of Sir Hugh Cairns, so that he may represent affairs in the proper quarter.

I remain, &c.
(Signed) JAMES Mc HUGH.

No. 5.

Lord Lyons to Earl Russell.—(Received May 16.)

My Lord, *Washington, May 3, 1864.*

WITH reference to my despatches of the 26th January, of the 12th February, and of the 5th ultimo, as well as to your Lordship's despatch of the 10th of March last, I have the honour to transmit to your Lordship copies of further correspondence relative to the imprisonment of Mr. James McHugh.

Your Lordship will see that the Military Commissioners by whom Mr. McHugh's case has been examined have reported that, in their judgment, he ought to be released. I hope to hear from Mr. Consul Archibald, whom I have directed to make me a report on the subject as soon as possible, that Mr. McHugh has been actually released.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 5.

Lord Lyons to Mr. Seward.

My Lord, *Department of State, Washington, April 9, 1864.*

I HAVE the honour to acknowledge the receipt of your note of the 4th instant, and that of the 5th, relating to the case of Mr. James McHugh, and to inform your Lordship, in reply, that they will receive due attention.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 5.

Mr. Mc Hugh to Lord Lyons.

My Lord, *Fort Lafayette, New York Harbour, April 7, 1864.*

SINCE I last had the honour of addressing your Lordship on the 4th instant, I find my health giving way under the long term of confinement I have undergone in this

Bastille. I will be a prisoner four months on the 18th instant, and I have now to respectfully request that your Lordship will demand my release from Mr. Seward, which if he refuses, I demand an immediate trial. I would also keep before your Lordship the opinion of the Military Commission before whom I was examined on three different occasions, that they cannot make a case against me.

Respectfully requesting your Lordship's immediate attention to my case, I remain, &c.
(Signed) JAMES McHUGH.

Inclosure 3 in No. 5.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 18, 1864.

YOU were so good as to inform me on the 9th instant that the notes which I had the honour to address to you on the 4th and 5th instant, respecting the imprisonment of Mr. James McHugh, would receive due attention.

Mr. McHugh has now been in prison four months. He demands that he be released or brought immediately to trial. This demand appears to me to be perfectly reasonable, and I deem it to be my duty to support it. I must at the same time repeat the request which I made in my note of the 4th instant, to be informed how the case stands.

I have, &c.
(Signed) LYONS.

Inclosure 4 in No. 5.

Lord Lyons to Mr. Mc Hugh.

Sir,

Washington, April 18, 1864.

I HAVE been in constant communication, verbal and written, with the Secretary of State of the United States about your imprisonment. I have also been in communication with Her Majesty's Government respecting it.

I have made known to the United States' Secretary of State your demand either to be released or to be brought immediately to trial, and have supported it to the best of my ability.

I am, &c.
(Signed) LYONS.

Inclosure 5 in No. 5.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, April 22, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 18th instant, in relation to the case of Mr. James McHugh, and to inform your Lordship in reply, that on the 11th instant I called upon General Dix for information as to the progress of the investigation in this case, since which I have had no advices on the subject. I have now requested the Secretary of War to require such information from the proper authorities, and have laid before him a copy of your note.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 6 in No. 5.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, April 27, 1864.

RECURRING to your note of the 4th instant, respecting the case of James McHugh, I have the honour to inform your Lordship, in reply, that I learn from Major-

General Dix that the Military Commission which investigated the case have reported that in their judgment McHugh should be released.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 7 in No. 5.

Lord Lyons to Consul Archibald.

Sir, *Washington, April 28, 1864.*

SINCE I addressed to you my despatch of the 25th February last, I have been pertinacious in urging the United States' authorities, both verbally and in writing, to release Mr. James McHugh from custody, or to bring him at once to trial.

I received last evening a note from the Secretary of State, informing me that he had learned from Major-General Dix, that the Military Commission which investigated the case had reported that in their judgment Mr. McHugh should be released,

I have to desire you to inquire and report to me as soon as possible whether Mr. McHugh has been actually released.

I am, &c.
(Signed) LYONS.

No. 6.

Mr. E. Mc Hugh to Earl Russell.—(Received May 25.)

My Lord, *Rosemary Street, Belfast, May 24, 1864.*

I BEG to bring under your Lordship's notice the case of my son James McHugh, at present confined in Fort Lafayette Prison, United States.

As representations of his unjust arrest and severe and prolonged imprisonment have been frequently made to Lord Lyons, your Lordship is doubtless aware of some of the facts connected with the hardships and oppression to which my son has been subjected.

Presuming so much, I will therefore merely state that my son was arrested on his landing in New York on the 18th of December last; that he was without trial or examination conveyed to the city prison, and from thence, in the same arbitrary manner, transferred on the 28th of December to Fort Lafayette, where he still remains in close confinement.

My son is a British subject, and no charge to warrant this treatment has ever been preferred against him.

His repeated applications for a trial have been refused, and although examined three times before a Military Commission, and although each time the miserable accusations laid against him fell to the ground, he is yet kept in close confinement and subjected to all the hardships of a military prison.

I think it right to mention to your Lordship that the principal, if not the only charges against my son were, 1st, that he was the bearer of rebel despatches; 2ndly, that he had on his person photographs of Southern Generals; and 3rdly, that while in Ireland he had written letters to persons in England and Ireland which manifested sympathy for the Southern cause.

The first charge was wholly groundless, and was proved so; the despatches in question having been found on the person of an English officer whom my son never saw.

The second charge, which one finds it hard to suppose could have been seriously meant, also fell to the ground, from the fact that the collection of photographs contained indiscriminately the celebrities of both North and South.

As to the third charge I leave it to your Lordship to decide upon it.

I now appeal to your Lordship, not as a father soliciting protection for his son, but as a British subject demanding that protection to which he is entitled, and which it is the boast of the Constitution to be always ready and able to afford.

I have waited patiently for weeks and months in the hope that a sense of shame, if not of justice, would have induced the United States' authorities not only to restore my son to liberty, but to make to him that full compensation to which he is entitled. As I have been disappointed in this hope I have been compelled to appeal to your Lordship

for that interference in my son's behalf which will be the means of restoring him to liberty, and procuring for him compensation for his losses and sufferings.

I have, &c.
(Signed) EDWARD Mc HUGH.

No. 7.

Mr. Hammond to Mr. E. Mc Hugh.

Sir,

Foreign Office, May 28, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 24th instant, respecting your son's imprisonment at New York, and I am to acquaint you in reply that Lord Lyons, in a despatch dated the 3rd of May, reports that Mr. Seward had informed him that the Military Commissioners before whom your son has been examined, consider that he should be released. I am to add that as soon as Lord Russell receives any further information on the subject, it shall be communicated to you.

I am, &c.
(Signed) E. HAMMOND.

No. 8.

Mr. Mc Kenna to Mr. Layard.—(Received June 11.)

Sir,

26, Craven Street, Strand, June 10, 1864.

AS I had not an opportunity of seeing you in the House to-night, and, as I do not wish to annoy you by calling upon you at what might probably be an inconvenient hour, I beg to inclose you a statement of the case of Mr. McHugh. The statement was prepared for circulation amongst the Members of the House of Commons. As, however, I did not like to be the cause of introducing any topic that might, in any way, embarrass the Government, I withheld it from general distribution. When I add that Mr. McHugh's friends in New York write to the effect that notwithstanding that he has been declared innocent, Lord Lyons advises him to procure his release by influence or by money, you will understand the exact state of affairs, and see the difficulty I am placed in.

I will not trespass on you by a lengthened reference to Mr. McHugh's grievances, but merely asks you, should you consider it right to do so, to press his case on the attention of the Washington Cabinet, and to ask that a British subject, declared innocent by the Military Commission sent to examine him, should be liberated from an imprisonment to which he never should have been subjected.

Your, &c.
(Signed) A. Mc KENNA.

No. 9.

Mr. Hammond to Mr. Mc Kenna.

Sir,

Foreign Office, June 11, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your letter of yesterday's date, addressed to Mr. Layard, respecting the case of Mr. James Mc Hugh; and I am to inform you that a further communication respecting this case will be addressed to Lord Lyons by the mail of this evening.

I am, &c.
(Signed) E. HAMMOND.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, June 11, 1864.

I INCLOSE a copy of a letter from Mr. A. Mc Kenna,* respecting the case of Mr. James Mc Hugh. It appeared from your Lordship's despatch of the 3rd ultimo that the Military Commissioners had recommended that Mc Hugh should be released, and Her Majesty's Government are therefore surprised and disappointed at not hearing that he has been set free.

If when this despatch reaches you Mr. Mc Hugh should be still in confinement, you will ascertain why the recommendation of the Commissioners has not been acted upon, and, if necessary, you will apply to Mr. Seward on the subject.

I am, &c.

(Signed) RUSSELL.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, June 13, 1864.

ALTHOUGH Her Majesty's Government can scarcely bring themselves to believe that the recommendation of the United States' military authorities respecting Mr. James Mc Hugh, to which I adverted in my despatch of the 11th instant, will have been disregarded, and that he is still retained in confinement at Fort Lafayette, they nevertheless think it may be useful to your Lordship to be informed, in reply to your despatch of the 5th of April, that Her Majesty's Government, after consultation with the Law Officers of the Crown, are of opinion that Mr. Mc Hugh's British nationality has been satisfactorily established, and that although he may be interested as a partner in a commercial house in the Confederate States, it is clear that as far as residence is concerned he was never domiciled in these States.

Mr. Mc Hugh completely denies the charges of having taken an active or any hostile part against the United States, and of having been the bearer of any political correspondence. The charge of carrying about with him photographs of Confederate Generals must be pronounced frivolous, and the rest of the accusations seem to rest on letters written by Mr. Mc Hugh while in the United Kingdom, for which, of course, he cannot be held responsible to the United States.

I am, &c.

(Signed) RUSSELL.

NORTH AMERICA.

No. 15. (1864.)

Papers respecting the Arrest and Imprisonment of
Mr. James Mc Hugh in the United States.

*Presented to the House of Commons by Command
of Her Majesty, in pursuance of their Address
dated June 14, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA.

No. 16. (1864.)

FURTHER PAPERS

RESPECTING THE

ARREST AND IMPRISONMENT

OF

MR. JAMES McHUGH

IN

THE UNITED STATES.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:

PRINTED BY HARRISON AND SONS.

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Further Papers respecting the Arrest and Imprisonment of Mr. James McHugh in the United States.

No. 1.

Lord Lyons to Earl Russell.—(Received July 19.)

My Lord,

Washington, June 28, 1864.

I HAD on the 25th instant the honour to receive your Lordship's despatch of the 11th instant, directing me to ascertain why the recommendation of the Commissioners in favour of Mr. McHugh's release had not been acted upon, and if necessary to apply to Mr. Seward on the subject.

On learning from Mr. McHugh at the beginning of this month that he was still detained at Fort Warren, notwithstanding the recommendation of the Commission, I lost no time in addressing myself to Mr. Seward. I have since not ceased to remonstrate both verbally and in writing against the protracted imprisonment of this British subject, and I had sent in a note to Mr. Seward on the subject on the day before I received your Lordship's despatch. It was not however until the day before yesterday that I received anything like a satisfactory answer. On that day Mr. Seward came to my door, and assured me that Mr. McHugh would be released immediately.

I shall not, however, be at ease until I know that Mr. McHugh is actually at liberty, and it appears to me that even then there will be due from the United States' Government at least some explanation with regard to the fact that he was kept in prison for more than two months after the Commission had reported that he ought to be released. As the case now stands, this prolongation of his imprisonment appears to be wholly without excuse.

I inclose copies of the correspondence which has taken place in relation to the case since I had the honour to address to your Lordship my despatch of the 5th ultimo.

The assertion which appears to have been made to Mr. McHugh's friends at New York, and to have been communicated to Mr. McKenna, to the effect that I had advised Mr. McHugh to procure his liberation by money or by influence, is of course wholly without foundation. I have directed the Acting Vice-Consul at New York to endeavour to trace the origin of this false statement, and I should be very much obliged if your Lordship would cause Mr. McKenna to be asked to obtain and forward to you copies of the letters in which it was made, or at all events ascertain and let you know the names of the writers of them. I have reason to think it not impossible that some such assertion may have been made to Mr. McHugh or his friends with a view to extorting money from him, and if so it is extremely desirable that the authors of them should be discovered, and if possible brought to justice.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 1.

Mr. McHugh to Lord Lyons.

My Lord,

Fort Lafayette, New York Harbour, May 31, 1864.

IN again calling your attention to my case, I have the honour to inform your Lordship that I have had an interview this morning with the Judge Advocate of the Military Commission, before whom I was examined on the 29th January 8th and 23rd February, and who kindly informed me that the gentlemen composing the Commission had decided when last examined that there were no grounds for my detention, and had recommended

my discharge. I would respectfully request your Lordship to place yourself in communication with the proper authorities and procure my release.

I remain, &c.

(Signed) JAMES Mc HUGH, of Belfast, Ireland.

Inclosure 2 in No. 1.

Lord Lyons to Mr. Seward.

Sir,

Washington, June 5, 1864.

ON the 27th April you were good enough to inform me that the Military Commission which investigated the case of Mr. James McHugh had reported that, in their judgment, he should be released. It appears, however, from a letter which I have received from him, that he was still at Fort Lafayette on the 31st ultimo, more than a month afterwards.

I earnestly beg you to call the immediate attention of the proper authorities to the case, and to move them to release Mr. McHugh without further delay.

I have, &c.

(Signed) LYONS.

Inclosure 3 in No. 1.

Lord Lyons to Mr. Mc Hugh.

Sir,

Washington, June 5, 1864.

I HAVE begged the Secretary of State of the United States to call the immediate attention of the proper authorities to your case, and to move them to release you without further delay.

I have, &c.

(Signed) LYONS.

Inclosure 4 in No. 1.

Acting Consul Edwards to Lord Lyons.

My Lord,

New York, June 7, 1864.

REFERRING to your Lordship's despatch to Mr. Consul Archibald of the 28th of April, I have the honour to transmit, herewith inclosed, for your Lordship's information, a copy of a letter, with its inclosure, just received at this Consulate from Mr. James McHugh, confined in Fort Lafayette.

I have, &c.

(Signed) P. EDWARDS.

Inclosure 5 in No. 1.

Mr. Mc Hugh to Consul Archibald.

Sir,

Fort Lafayette, New York Harbour, June 6, 1864.

SINCE I last had this pleasure I had an interview, on the 31st of May, with the gentlemen composing the Military Commission, before whom I was examined on three different occasions; they assured me that they were not aware of my still being held as a prisoner, as there were no grounds for my detention, and had recommended my discharge on the 23rd February. The Judge Advocate (Major Bolles) requested me to write to Lord Lyons (a copy of which I inclose), and he would forward same on that evening, inclosing a note from himself. Up to the present time I am without an answer, and I have now to request that you will call his Lordship's attention to my case, who, with these facts before him, can insist on my release.

I have, &c.

(Signed) JAMES Mc HUGH.

Inclosure 6 in No. 1.

Mr. Seward to Lord Lyons.

My Lord,

Washington, June 10, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 5th instant, relating to James McHugh, and in reply to inform your Excellency that I have recalled the attention of the Secretary of War to the case.

I have, &c.

(Signed)

WILLIAM H. SEWARD.

Inclosure 7 in No. 1.

Lord Lyons to Acting Consul Edwards.

Sir,

Washington, June 11, 1864.

IN answer to your despatch of the 7th instant, I have to inform you that I had already received from Mr. McHugh, a similar letter to that addressed to you, of which a copy was inclosed in your despatch, and had written in answer on the 5th instant, to say that I had begged the Secretary of State of the United States again to recommend the case to the immediate attention of the proper authorities.

In reply the Secretary of State informed me yesterday that he had recalled the attention of the Secretary of War to it.

I am, &c.

(Signed)

LYONS.

Inclosure 8 in No. 1.

Acting Consul Edwards to Lord Lyons.

My Lord,

New York, June 13, 1864.

REFERRING to my despatch of the 7th instant, I have the honour to transmit herewith inclosed, for your Lordship's information, a letter just received at this Consulate (in one addressed to me) from Mr. James McHugh, in Fort Lafayette.

I have, &c.

(Signed)

P. EDWARDS.

Inclosure 9 in No. 1.

Mr. Mc Hugh to Lord Lyons.

My Lord,

Fort Lafayette, June 13, 1864.

I HAVE the honour to acknowledge the receipt of yours of the 5th instant, in which your Lordship informs me of an interview you had with the Secretary of State of the United States in which you demanded my release without any further delay. As I see no signs of any approaching freedom, I would again respectfully ask your Lordship to procure an interview with the Honourable E. M. Stanton, and on the representations you may make, he will give your Lordship an order for my liberation.

I have, &c.

(Signed)

JAMES Mc HUGH.

Inclosure 10 in No. 1.

Acting Consul Edwards to Lord Lyons.

My Lord,

New York, June 22, 1864.

IN referring to your Lordship's despatch of the 11th instant, I have been begged by Mr. James McHugh again to draw your Lordship's attention to the fact of his continued imprisonment.

Mr. McHugh informed me, when I yesterday saw him in Fort Lafayette, that he had up to that time received no information further than what has been communicated by your Lordship, that he would soon be released.

I have, &c.
(Signed) P. EDWARDS.

Inclosure 11 in No. 1.

Lord Lyons to Mr. Seward.

Sir,

Washington, June 24, 1864.

I HAD on the 5th instant the honour to remind you that you had informed me on the 27th of April previously that the Military Commission which had investigated the case of Mr. James McHugh had reported that in their judgment he should be released.

You were so good as to state to me on the 10th instant that you had recalled the attention of the Secretary of War to the case, but I have reason to fear that although two months or more have elapsed since the Military Commission recommended that Mr. McHugh should be released, this unfortunate man is still in confinement at Fort Lafayette.

I earnestly entreat that orders may without further delay be given for his restoration to liberty.

I have, &c.
(Signed) LYONS.

Inclosure 12 in No. 1.

Lord Lyons to Mr. Mc Hugh.

Sir,

Washington, June 24, 1864.

I HAVE this day addressed a note to the Secretary of State of the United States, calling his attention to the fact that two months have elapsed since the Military Commission which investigated your case reported that, in their opinion, you ought to be released, and I have earnestly entreated that orders may, without further delay, be given for your restoration to liberty.

I have received to-day a letter from you, dated the 13th instant, a duplicate of which I received through Her Majesty's Consulate at New York on the 14th instant.

I am, &c.
(Signed) LYONS.

Inclosure 13 in No. 1.

Lord Lyons to Acting Consul Edwards.

Sir,

Washington, June 24, 1864.

I HAVE received your despatches of the 13th instant, and of the day before yesterday, respecting the case of Mr. James McHugh.

Your despatch of the 13th instant crossed that from me written on the same day, in which, in answer to a previous despatch from you dated the 7th instant, I informed you that I had begged the Secretary of State of the United States again to recommend the case to the immediate attention of the proper authorities, and that the Secretary of State had written to me on the 10th instant to say that he had recalled the attention of the Secretary of War to it.

A fortnight having since elapsed, and no further communication having reached me from the Secretary of State, I have again earnestly requested that orders may, without delay, be given for the restoration of Mr. McHugh to liberty.

I am, &c.
(Signed) LYONS.

Inclosure 14 in No. 1.

Lord Lyons to Acting Consul Edwards.

Sir,

Washington, June 28, 1864.

WITH reference to your despatch of the 22nd instant, and to the previous correspondence relative to the case of Mr. James McHugh, I have to state to you that the Secretary of State of the United States assured me yesterday that Mr. McHugh would be immediately set free. I am very anxious to hear from you that he is actually at liberty.

I have been informed that Mr. McHugh's friends at New York have written to England to the effect that I advised him to procure his release by influence or by money. I am particularly anxious to trace the origin of this false statement. I therefore beg you to see Mr. McHugh as soon as possible, and to ask him whether he was ever told that I had advised him to procure his release by influence or money; and if he says that he was told this, to call upon him to state by whom. You will also take any other measures which may occur to you as calculated to ascertain the origin of the unfounded assertion. I have written to England for further information on the subject.

I am, &c.
(Signed) LYONS.

No. 2.

Lord Lyons to Earl Russell.—(Received July 9.)

My Lord,

Washington, June 28, 1864.

I HAVE recently had cause to suppose that attempts have been made to extort money from British subjects, as well as from Americans, by persons having or pretending to have influence enough to obtain their release from prison. Indeed, I very much suspect that in several instances prisoners have obtained their release by paying money, and that others have been detained on various pretexts for the purpose of extorting money after orders have been sent hence for their release. I have directed the Acting Consul at New York to lose no opportunity of collecting evidence on the subject; but I have not yet been able to obtain sufficient proof to warrant my making a formal complaint to the United States' Government, or, indeed, to justify my reporting the existence of the practice to your Lordship as an ascertained fact.

It is with a view to assist in obtaining evidence on this point that I am particularly anxious to be made acquainted with the names of the writers of the letters who stated that I had advised Mr. McHugh to procure his release by influence or by money. If an assertion to this effect was really ever made to Mr. McHugh or his friends, there can be little doubt that it was made for the purpose of extorting money from him, by leading him to despair of obtaining his release by my exertions; and it would be important to take advantage of any clue for discovering the authors of it.

I have, &c.
(Signed) LYONS.

No. 3.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, July 9, 1864.

HER Majesty's Government approve your Lordship's proceedings, as reported in your despatches of the 28th ultimo, with regard to the case of Mr. James McHugh.

I am, &c.
(Signed) RUSSELL.

NORTH AMERICA.

No. 16. (1864.)

Further Papers respecting the Arrest and Imprisonment of Mr. James Mc Hugh in the United States.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

LONDON:

PRINTED BY HARRISON AND SONS

NORTH AMERICA.

No. 17. (1864.)

CORRESPONDENCE

RESPECTING THE

ENLISTMENT

OF

BRITISH SUBJECTS

IN THE

UNITED STATES' ARMY.

Presented to the House of Commons by Command of Her Majesty.
1864.

LONDON:

PRINTED BY HARRISON AND SONS.

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[No Return.]

2.—Correspondence respecting the Enlistment of Irish Immigrants at Boston and Portland.

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for—

- 1.—“Copies of or Extracts from any Despatches from Her Majesty’s Minister at Washington, relating to the Proceedings or Report of the Select Committee of the United States’ Congress on Immigration, or to Bills upon that Subject brought into Congress: And also,
- 2.—“Copies or Extracts from Despatches or Reports respecting the Enlistment of Irish Immigrants at Boston and Portland in the Month of March last;
- 3.—“Or to the Enlistment of any of Her Majesty’s Canadian Subjects in the United States Army.”

1.—Despatches from Lord Lyons relating to the Proceedings or Report of the Select Committee of the United States’ Congress on Immigration.

[No despatches on this subject have been received from Her Majesty’s Minister at Washington.]

2.—Correspondence respecting the Enlistment of Irish Immigrants at Boston and Portland.

No. 1.

Consul Lousada to Earl Russell.—(Received March 4.)

My Lord,

Boston, March 15, 1864.

I HAVE the honour to inclose to your Lordship printed Report of the proceedings held by an indignation meeting in reference to the alleged kidnapping of a quantity of Irish labourers brought over to Portland in the steamer “Nova Scotian,” by one Finney, ostensibly under pretext of obtaining them work and larger wages at the Cochetuate Waterworks, but in reality for the purpose of enlisting them, and obtaining the high bounties now offered. I was applied to on their behalf, but have not at present taken any action in the matter, as the meeting is a kind of Vigilance Committee, and will sift the affair thoroughly, but I reported details to Her Majesty’s Minister at Washington, in case his Lordship wished to send me any instructions.

Mr. Kidder, the merchant who is implicated in this transaction, also called on me yesterday, and stated that he meant to have employed them as labourers only. With the information I had in my possession as to the real nature of the scheme, I confined myself to simply hearing what he chose to tell me. I am informed that Finney is a person of bad reputation, and that the documents he produced in Ireland in defence of his course were not genuine. This, however, will be elicited, and I shall send the Report of the adjourned meeting as soon as it takes place.

I understand from some of the men, who also have been to my office, that many more deluded Irish are on their road, similarly entrapped, although Mr. Kidder positively denied being cognizant of the fact; and I hope that I am misinformed thereon.

The bounties both of the United States and of the several States, added to local premiums, amount to 700 dollars, and even 820 dollars, besides 15 to 25 to the bringer in of a recruit, and as the poor Irish are generally made drunk, and given at the outside 25 dollars, the sharks who prey on them collect the balance, and thus a cargo of 120, as in this instance, would net a very large profit to the speculators.

There are some features in these transactions which involuntarily recall to my mind my experiences in Cuba; I trust, however, that the publication of what those who hire themselves as labourers may expect on this side will check the traffic.

I have, &c.

(Signed) F. LOUSADA.

P.S.—Subsequently to writing this, the “Courier” publishes “a card” from Mr. Kidder, copies of which I also inclose.

F. L.

Inclosure 1 in No. 1.

Newspaper Extract.

OUTRAGEOUS IMPOSITION. ONE HUNDRED DUBLIN YOUNG MEN ENTICED TO THIS COUNTRY ON FALSE PRETENCES.—The Irish citizens of Charlestown and Boston have been greatly excited this week, in consequence of the arrival in Charlestown of eighty-six young Irishmen from the city of Dublin, under extraordinary circumstances. These young men, 102 in all, left Liverpool on February 27th, in a steamer for Portland, which reached that city on Wednesday morning, March 9th. The men took an early breakfast and then landed. A few of them strayed away from their companions, but the remainder came on to Boston in the afternoon train, in charge of the Emigrant agent, a Mr. Finney, under whose inducements and promises they left their home. Upon their arrival in this city, the men were conducted to an old building on Bunker Hill-street, Charlestown, belonging to Mr. Jerome G. Kidder, of this city, formerly used for his business purposes, but now improved as a "Mission House." At this building nothing was provided for the reception of the men; no food, although they had eaten nothing since early morning and it was now half-past 9 o'clock; no bedding, no comforts of any kind, not even straw to sleep upon. After a little while, some crackers and cheese were procured, and a tub of ale was brought in with which the wearied men sought to refresh themselves. In the morning they had whisky for breakfast, and a number of those who partook of it were made senseless.

Mr. Kidder, the owner of the building, presented himself on the night of their arrival, and told the men, so it is reported by several of them, that the work they were brought over to do was not ready; but that need not make no difference, they need not be idle a single day; they could enlist at once, and recommended the 28th, an Irish regiment, to them. Upon this, the suspicions were confirmed which had been growing upon the men, that they had been deceived and enticed from their homes upon false pretences.

The men are fine, stalwart fellows, young mechanics, all from the city of Dublin. One of them, a young man by the name of Ward, is a comedian, who has acted upon the Dublin boards and in the Irish Provinces, in parts like those assumed by Barney Williams and Florence. Their story is, that they were induced to come to this country through the representation of this Mr. Finney, who was announced in the papers as an "emigration agent for the principal railroads in New England, who was commissioned to procure 1,000 labourers." The terms he offered them were a free passage, work immediately upon arrival, a new suit of clothes, and 2*l.* a month and found, for wages. Mr. Finney now declares himself to be agent for Mr. Kidder, and Mr. Kidder protests that he caused the men to be brought over here in good faith, actually and *bonâ fide* to work upon the Charlestown waterworks, and that he was ready on Friday to take as many of the men to West Medford as would consent to go, and put them at once to work. He says, moreover, that he has no knowledge of who ordered the liquor to the men on the night of their arrival. It was certainly done without his privity.

The condition of the men the morning after their arrival in Charlestown was anything but gratifying. Their number had already been diminished by those left behind at Portland, and of these, the recruiting agents had snapped up eight. Without money, without friends, with scanty clothing, with no means to procure sustenance, they would have suffered greatly, had not kind-hearted countrywomen supplied their wants. Recruiting agents hovered round them, and in the course of the day gobbled up several. On the evening of Thursday they had another interview with Mr. Kidder, when they were told the hall must be cleared, and they would not have had a place to lay their heads had not Captain John Warren, who keeps an establishment on that street, near by, bestirred himself and procured billets for them upon the neighbours round. Yesterday morning they were still in Bunker Hill-street, subsisting upon charity, and still pestered with recruiting agents. In the course of the forenoon Mr. Kidder again appeared among them, offering to take as many as would go to the waterworks at West Medford. But the men had lost confidence in him. They cost Mr. Kidder 70 dollars a head to land them in Boston. It will prove a poor speculation as it has turned out. But if they had taken his recommendation on the night of their arrival, to enlist, he might have made himself whole and something more.

The Irish citizens of Boston and vicinity, feeling indignant at the imposition practised upon their countrymen, called a meeting at the Stackpole House to investigate the facts in the case, which was very largely attended. Charles F. Donnelly, Esq., was called to the chair, and Edward Ryan was appointed Secretary. The Chairman, in stating the objects of the meeting, recited the circumstances under which the men came

here, as stated in the first part of this article. From the facts as they had been presented to him, he believed that the original intent of parties who brought the men over was to make them part of the quota of Massachusetts. The men themselves think they have been duped, and that it was the intention to sell them to the military service.

Martin Mc Manus, an employé on the Midland and Great Western Railway, one of the emigrants, said to the meeting:—He had full employment at 2s. 10d. a-day, and that he was induced by the representations of Mr. Finney—free passage, steady work, 2l. British a-month and board, and two suits of clothes a-year—to come over. He had found no work. He was not told by Finney where the work would be, but that he should be treated of the best. Was told on board the ship a party would meet them on the wharf in Portland—a real gentleman and a good friend, who would take care of them, and they must take off their hats and give him three cheers. Their supper, when they arrived in Bunker Hill Street, after fasting all day, consisted of a barrel of crackers and a cheese, with a knife on it, and the question was, “Who shall?” and there was a scramble, some getting enough for five, others getting nothing. For breakfast they had buckets of whiskey. That night, without beds, or even straw, enlisting agents were among them all the time. Finney also staid with them. They said the waterworks were done up, and the only thing for them to do was to enlist. Mr. Kidder, himself, told them he could find different men to take them; but if they were inclined to enlist, they had better do it, for he had no work for them to do.

John Glannan, labourer of Dublin, who earned 3s. a-day four or five days in the week, was induced to come on similar representations as Mc Manus had spoken of. Finney would give them nothing at Portland, and at the hall in Charlestown a policeman was stationed on the first night to prevent their going out. Mr. Kidder told them he had work for thirty or forty, but no more, on the waterworks at 1 dollar 25 cents a-day.

Others made statements of a like character.

P. R. Sullivan, a friend to Mr. Kidder, expressed his belief that Mr. K. had acted from good motives. Mr. Kidder had written to Finney not to ship any men of the 22nd of February, but they were shipped on the 25th of February, and came unexpectedly. Under the circumstances he had done the best he could. He was not prepared with work for the men, but told them if they thought fit to enlist he should claim 70 dollars from each to reimburse expenses.

E. Smythe, Representative from Ward 1, Boston, asked if the men were intended for waterworks why their shipment was suspended just at the season was approaching when such work could be prosecuted? What could men do in digging and tearing up the earth in February? If Mr. Kidder had told his agent not to send more men till later in the season there would have been sense in it. He believed that it was intended to have the men here just prior to a certain epoch which all were looking for—the draft, and they would come very handy then.

Mr. Martin Lynch said he had heard at Concord, N. H., long before these men arrived, that this same emigration agent, Mr. Finney, had been engaged last summer in bringing substitutes to New Hampshire and selling them. He became notorious as a substitute broker, and made money by it. After he was arrested in Dublin on suspicion of employing men to make soldiers of them, he wrote that he would make 30,000 dollars out of the operation he was then engaged in—engaging men to work on railroads, but really to make substitutes of them. Now, asked Mr. Ryan, if Mr. Kidder was honest in getting these men here, would he select such a person as Finney for his agent?

A Voice.—The man who sent Finney was worse than Finney himself.

Mr. Lynch.—What we want, gentlemen, is to sift this matter to the bottom, find who the guilty persons are and punish them. He concluded by moving that a committee be appointed by the chair to investigate all the facts in the case to report at a future meeting. Adopted.

Mr. Edward Ryan offered some remarks to the effect that Mr. Kidder ought not to be judged and condemned without a hearing. The meeting had heard one side; let the other side have a hearing. It might be that after all Mr. Kidder had done nothing worthy of censure.

The Chairman named as the Committee, Eneas Smythe, Dr. Bath Morris, James Dowling, Edward Ryan, Martin Lynch, Charles F. Donnelly, John Horan, and Michael McCaffrey.

The same gentlemen, with the addition of P. R. Sullivan, were appointed a committee to collect subscriptions for the relief of the immigrants. A subscription list was opened and upwards of 50 dollars was subscribed on the spot.

A Mr. Shea, one of the emigrants who had just entered the meeting, said he went to the waterworks at West Medford that afternoon, and was introduced to the contractor, Mr. McDonald. That gentleman said that he had never had anything to do with getting

men from Ireland to work. Knew nothing about these emigrants until yesterday, when Mr. Kidder came to him and said he had the men here, but seeing how matters had turned he could make no good of them. Mr. McDonald employed twenty-three of the emigrants. He expressed the belief that Mr. Kidder had got the men over here for the purpose of enlisting them.

The Investigation Committee will meet this forenoon at 11 o'clock, at the Stackpole House, when Mr. Kidder and Mr. Finney and their friends are invited to be present.

The meeting stands adjourned to a week from Monday next, at the Hall of the Constitutional Democratic Club, to hear the report of investigation.

Messrs. Lynch, Donnelly and Ryan are a Committee to disburse the funds for relief to the destitute emigrants.

Inclosure 2 in No. 1.

Newspaper Extract.

WE print, on the outside of to-day's "Courier," a card of Mr. J. G. Kidder, according to his request. We prefer to make no remarks upon the subject until the investigation which is in progress is concluded. In connection with this subject, however, we quote the following from the Dublin "Freeman's Journal:"—

"SUSPICIOUS.—On Tuesday evening, 23rd of February, fifty-six young men left the North Wall by the steamer 'St. Columba' for Liverpool, en route for Boston, United States. The emigrants were engaged by an agent here from America as workmen on a line of railway now said to be in course of construction. By the conditions of the agreement the emigrants cannot work save at the railway; but it is stated that they will be granted permission to join the Federal army. They will be inspected at Liverpool prior to embarking in a ship chartered to take 700 Irishmen to America."

"A Card."

"The morning papers of Saturday contain an account of a meeting of Irish citizens, in which I am charged with inhumanity in the treatment of some emigrants from Ireland, whose passage I had become responsible for.

"This was an experiment to see if by possibility a plan of importing labourers could be made self-sustaining.

"The depths of poverty from which this 100 men have been taken may be inferred from the fact that before they were shipped they all signed an agreement to work for one year for 10 dollars per month and their board and lodging, the cost of their passage to be deducted from their first earnings. Owing to the want of notice of the arrival of the men at Portland (they arriving here at 9 o'clock P.M.) it was impossible to find beds for them, and they were placed in a new commodious building in Charlestown, furnished with settees and warmed and lighted. An ample supply of such refreshments as could be got at that late hour was furnished, there being no time to have meat cooked. On the following morning a breakfast of eggs, bread, tea, and what cooked provisions (hams, roast and boiled beef) the Parker House could supply, which was ample in quantity and the quality which had been provided for the guests of the Parker House.

"By very great exertions I was able, through the kindness of Messrs. Stephenson, engineer, and McDonald, contractor, aided by the directors of the Charlestown Water Works, to make arrangements that the men should be taken on to work at once at the going rate of wages.

"My object being philanthropic to aid these poor men, as well as to supply the great need we have of labour here, I told the men that by their agreement they were bound to work for 10 dollars per month for a year, but that I had determined that I would give in to them all of the difference between that price and the rate which the water contractors would give, which was 1 dollar 50 cents per day.

"That they should have all of their first earnings to furnish themselves with clothing, and that after this their earnings must be applied to reimburse me for what I paid for each of their passages, according to their agreement; and that so soon as that was made good, all that they earned would belong to themselves, thus really giving to them what might be equal to 120 or 150 dollars in the year more than they expected.

"I proposed that 30 of them should go by the 2:30 train that day, but when the time arrived what remained of them refused to go. In the evening, ample provision

having been made of food and beds, they again promised to go out on the 7:10 train. I sent a man to take them to the depôt, but they again refused.

"On the 2:30 train I finally succeeded in getting off 15, and Mr. McDonald writes to me that he has 25, and can take up to 100.

"The only hardship, if it is a hardship, that these men have undergone is that of having to sleep for one night in a comfortable room on settees or on the floor, and which, from the circumstances of the case, was unavoidable.

"I understand that at the meeting of Irish citizens, some 50 dollars were subscribed to aid the men. It was, I think, quite unnecessary to do this. If, instead of it, they had insisted with the men that they should go to work, it would have been much better for them. I do not hear that anything was said or done at the meeting relative to the forfeiture of their agreement by those men who have run away, or that any steps were taken to make up the loss to me of the cost of their passages, of which I am to be defrauded.

"The conduct of the men on this occasion will no doubt preclude the probability of any further attempts of the kind being made, although I am informed from the best authority that 10,000 men could be engaged on the same terms as these.

"I would give notice that any of the men who are willing to go to work have only to proceed to West Medford, from the Lowell Railroad depôt, and inquire of the conductors, who will direct them to the waterworks.

"The papers who have given circulation to the account of the meeting mentioned above will confer a favour by publishing this statement.

(Signed)

"J. G. KIDDER."

No. 2.

Lord Lyons to Earl Russell.—(Received March 29.)

My Lord,

Washington, March 14, 1864.

I HAVE the honour to inclose a copy of a despatch from Her Majesty's Consul at Boston, informing me of practices which have been resorted to in order to entrap into enlisting into the United States' army a large number of Irishmen brought to this country by a man named Finney, who is stated to have been not long ago arrested in Ireland on the charge of being engaged in recruiting there for the Federal service.

I inclose also a copy of the answer which I have made to the Consul's despatch.

I have, &c.

(Signed)

LYONS.

Inclosure 1 in No. 2.

Consul Lousada to Lord Lyons.

My Lord,

Boston, March 11, 1864.

I HAVE the honour to lay before your Lordship the outline of a deposition just made before me by a respectable householder, Martyn Lynch, proprietor of the "Stackpole Hotel," Boston. It is to the effect that one Finney, a man lately arrested in Ireland for recruiting, but who got off under the plea that he was obtaining labourers for the public works at Charleston, Massachusetts, brought over 120 Irishmen to Portland by last steamer, and had conveyed them thence to Charlestown, adjoining and part of; and having located them in some hall, afterwards took in four gallons of whiskey, got several of them to enlist, and secured the money. The hall in question is owned by one Kidder, of State-street, who is either partner with Finney, or, probably, his employer. A Mr. Warren, a grocer residing in Charleston, interfered and spoilt the plot a little by telling these men how shamefully they had been imposed upon; but subsequently more whiskey was introduced, and Martyn Lynch supposes that by this time they are all secured.

The bounties now approaching 700 dollars, the speculators must clear about 500 dollars a-man. An indignation meeting of Irish is to be held this evening at the "Stackpole House," as many more victims are on the road, and some prompt action is desirable. This is the substance of the testimony of Mr. Lynch, and he has promised me further details to-morrow.

I report this briefly to save to-day's post, in case your Lordship should desire to send me any instructions hereon.

I have, &c.

(Signed)

F. LOUSADA.

Inclosure 2 in No. 2.

Lord Lyons to Consul Lousada.

Sir,

Washington, March 13, 1864.

I HAVE received this morning your despatch of the day before yesterday, giving the outline of a deposition made before you respecting improper means which appear to have been employed to induce a large number of Irishmen, who have recently landed in this country, to enlist in the United States' army.

In the absence of more detailed information, I can do little more than instruct you to use every means to obtain such evidence of the practices of which these British subjects appear to have been the victims as shall enable me to bring their cases before the United States' Government, with some hope of obtaining their discharge.

It would also be desirable that you should lose no time in obtaining a list of the names of the individuals enlisted, and such information concerning each of them as may be useful in tracing him.

If you have any hope of being able, by application to the local authorities, military or civil, to obtain the release of these British subjects at once, or the punishment of the men by whom they have been deceived, you will of course take immediate steps for the purpose.

You will in any case send me speedy and full information on the whole matter, with a view to such representations as it may be proper for me to make to the Central Government here.

I am, &c.
(Signed) LYONS.

No. 3.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, March 31, 1864.

I HAVE received your despatch of the 14th instant and its inclosures, respecting the proceedings of the man Pheeny or Finney to induce the Irishmen who accompanied him to America to enlist in the United States' Army; and I have to instruct you to bring these proceedings to the notice of Mr. Seward, and to request that he will cause an inquiry to be made respecting them.

I am, &c.
(Signed) RUSSELL.

No. 4.

Lord Lyons to Earl Russell.—(Received April 3.)

My Lord,

Washington, March 22, 1864.

WITH reference to my despatch of the 14th instant, I have the honour to transmit to your Lordship copies of two further despatches from Mr. Consul Lousada respecting the means employed at a place near Boston for the purpose of enlisting in the United States' army a large number of immigrants, who appear to have been brought to this country by a man named Finney on board the steamer "Nova Scotian."

Her Majesty's Consul at Portland informs me that he had sent to your Lordship a copy of a despatch which he wrote to me on the 17th instant, and from which I learned that still more unjustifiable practices had been used to induce seven Irishmen belonging to the same party to enlist at Portland. I have the honour to transmit to your Lordship herewith further papers relative to this affair.

Among the papers your Lordship will find a copy of note, in which I have stated to Mr. Seward that if it be not thought proper to discharge these seven men at once, I trust that a serious inquiry into the circumstances under which their enlistment took place will be made, and that measures will be immediately taken to prevent their being forwarded to the army, or placed in actual service, pending the investigation.

I have in the same note directed to Mr. Seward's attention to the case of the Irishmen enlisted at Boston, and have addressed to him an earnest request, not only that prompt redress may be given for the wrongs suffered by the individuals whose cases I have brought before him, but that measures may be taken effectually to protect in future British subjects arriving in the United States from the practices of unscrupulous recruiting agents.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 4.

Consul Lousada to Lord Lyons.

My Lord,

Boston, March 12, 1864.

I HAVE the honour to inclose an extract from the Boston "Courier" of to-day, containing an account of the meeting held yesterday evening in reference to those Irishmen brought over by Finney (or Phinney), and subject of my despatch of the 11th instant.

I have, &c.

(Signed) F. LOUSADA.

Inclosure 2 in No. 4.

Newspaper Extract.

[See Inclosure 1 in No. 1.]

Inclosure 3 in No. 4.

Consul Lousada to Lord Lyons.

My Lord,

Boston, March 17, 1864.

IN reference to my despatch of the 12th instant, I inclose a copy of a "card" published by Mr. Kidder, which, as the "Courier" justly observes, can be taken *quantum valeat*. I am in train to get an authentic list of the men brought over, and hope to forward it to-morrow. Meanwhile the "Indignation Committee" are hard at work, and some curious developments are promised for the next meeting, a report of which is to be published and will be duly forwarded.

I have, &c.

(Signed) F. LOUSADA.

Inclosure 4 in No. 4.

Newspaper Extract.

[See Inclosure 2 in No. 1.]

Inclosure 5 in No. 4.

Thomas Tulley and six others to Lord Lyons.

My Lord,

Philadelphia, March , 1864.

SINCE writing the inclosed, we have been sent to the seat of war, and we will be in Washington to-morrow. Will your Lordship have us justified and released? I believe we are going to Alexandria. Don't forget your Lordship's obedient servants.

(Signed)

T. TULLEY.

Inclosure 6 in No. 4.

Thomas Tulley and six others to Lord Lyons.

My Lord,

Camp Berry, Portland, America, March 13, 1864.

I BEG leave most respectfully to intimate to you that I sailed from Liverpool on the 25th February, 1864, for the purpose of making good my position in life. I and my companions, whose names are attached hereto, arrived in Portland on the 9th of March instant. We landed with tickets in our possession to bring us to Boston, but scarcely were we in America six hours, when we were arrested, put into prison, where we remained until the morning following, when we made application to have ourselves released; this was denied us, unless we became American soldiers. This we individually declined, and after being imprisoned for upwards of thirty hours, without a drink or a mouthful of food, we were obliged to go the recruiting depôt in Portland, and become soldiers, solely on account of thirst and hunger, together with the hopes that were held out to us by the Deputy-Governor of the prison and his recruiting myrmidons. We had not even an opportunity of making our case known to the English Consul, but when the opportunity offered Mr. Murray called on us, and signified his disapprobation. Notwithstanding, I fear we will be compelled to proceed into the American army towards the Potomac. Now, my Lord, I most respectfully submit that it is contrary to the rules of civilization to have subjects of Her Britannic Majesty sold as a lot of slaves, and therefore we appeal to your Lordship for justice. We are enrolled in the 20th Maine Infantry Regiment,

and the British Consul was here last evening, and told us he would do his utmost for us, and that if he did not succeed he would write to your Lordship. We are about representing the matter to the Secretary of State in England, but previous to our doing so, we submit our case to your Lordship, fully hoping that you will not tolerate British subjects being kidnapped after six hours' residence in America.

Your Lordship no doubt will know the proper source to apply to for our liberation.

(Signed)

THOMAS TULLEY.
EDWD. CASSIDY.
JAMES HIGGINS.
M. F. BYRNE.
MARTIN HOGAN.
THOMAS BURKE.
MICHAEL MORAN.

Inclosure 7 in No. 4.

Lord Lyons to Consul Murray.

Sir,

Washington, March 18, 1864.

I TRANSMIT to you copies of two letters which I have received this morning, and from which it would appear that seven British subjects, Thomas Tulley, Edward Cassidy, James Higgins, Michael F. Byrne, Martin Hogan, Thomas Burke, Michael Moran, were arrested on landing at Portland, and have been forced into the United States' military service.

It seems that these men were in communication with you when they were at Portland, and I have to request you to make to me a full report on the case, in order that I may be able to determine whether it will be proper for me to take measures to obtain their discharge.

I am, &c.

(Signed) LYONS.

Inclosure 8 in No. 4.

Lord Lyons to Mr. Seward.

Sir,

Washington, March 19, 1864.

I BEG you to take into immediate consideration the despatch from Her Majesty's Consul at Portland,* and its inclosures, copies of which I do myself the honour to submit to you herewith.

They recount the circumstances under which, according to the statements made to the Consul, seven Irishmen, British subjects, who landed at Portland on the 9th of this month, have been enlisted in the United States' army. At the request of the Consul, Acting Assistant Provost-Marshal General for the State of Maine, Major Gardiner, sent an order to detain these men at Portland, until an investigation could be made; but before the arrival of the order the men had been sent off to join the 20th regiment of Maine Volunteers, now stationed with the army of the Potomac. I myself received yesterday a letter from them written at Philadelphia on their way to Washington; and I conclude that they must now have reached this place.

If it be not thought proper to order the men to be discharged at once, I trust that a serious inquiry into the circumstances under which their enlistment took place will be made, and that measures will be immediately taken to prevent their being forwarded to the army or placed in actual service pending the investigation.

The names of the men are,—1. Thomas Tulley; 2. Michael Byrne; 3. James Higgins; 4. Edward Cassidy; 5. Thomas Burke; 6. Michael Moran; 7. Martin Hogan.

I beg you to be so good as to let me know where these men now are.

It seems proper that I should also mention to you that it is reported to me by Her Majesty's Consul at Boston that a large number of Irishmen brought over by the same packet and in charge of the same person, a man named Finney, have been practised on in a not unsimilar manner in the neighbourhood of that city, and enlisted in the United States' army. It will probably be my duty to address you again on this subject, when I receive more complete information from the Consul.

* Inclosure 1 in No. 5.

I cannot conclude without an earnest request that, not only prompt redress may be given for such wrongs as may have been endured by the individuals whose cases I have now brought to your notice, but that measures may be taken effectually to protect in future British subjects arriving in the United States from the practices of unscrupulous recruiting agents.

I have, &c.
(Signed) LYONS.

Inclosure 9 in No. 4.

Lord Lyons to Consul Murray.

Sir, *Washington, March 19, 1864.*
WITH reference to my despatch of yesterday I have to inform you that I have received this morning your despatch of the day before yesterday's date, relative to the enlistment into the 'United States' army of Thomas Tulley and six other Irish emigrants.

I have transmitted copies of your despatch and of its inclosures to the Secretary of State of the United States, with a note requesting that if it be not thought proper to discharge these men at once, a serious inquiry into the circumstances under which they were enlisted may be made, and measures be taken immediately to prevent their being forwarded to the army or placed in actual service pending the investigation.

I have also spoken to the Secretary of State about the case, and pressed him to take steps concerning it without delay.

I am, &c.
(Signed) LYONS.

No. 5.

Consul Murray to Earl Russell.—(Received April 4.)

My Lord, *Portland, March 19, 1864.*
I HAVE the honour to transmit herewith a copy of a despatch, together with its inclosures, that I addressed to Her Majesty's Minister at Washington on the 17th instant on the subject of the complaint of seven Irishmen who arrived at Portland on the 9th instant on board the steam-ship "Nova Scotian," and who state that they were entrapped into the military service of the United States.

I have, &c.
(Signed) HENRY JOHN MURRAY.

Inclosure 1 in No. 5.

Consul Murray to Lord Lyons.

My Lord, *Portland, March 17, 1864.*
I HAVE the honour to transmit herewith copies of a correspondence I have had with the Acting Assistant Provost Marshal General for this State, Major Gardiner, and with the Mayor of Portland, upon the subject of the improper enlistment of seven Irishmen, British subjects, who arrived at Portland on the 9th instant on board of the steam-ship "Nova Scotian," under a contract, entered into in Ireland, to proceed to Boston to be employed there, but who were enticed into a liquor-store on their immediate arrival, made drunk, and were put into confinement in consequence of a breach of the peace, and while there, they state, they were forced and intimidated to enter the military service of the United States.

In reply to my request, Major Gardiner gave orders for the men to be detained until an investigation was made, but it appears that they were sent away from Camp Berry, previous to the arrival of the order, to join the 20th Regiment of Maine Volunteers, now stationed with the Army of the Potomac.

From the Mayor I have as yet received no reply.

I have, &c.
(Signed) HENRY JOHN MURRAY.

Inclosure 2 in No. 5.

Thomas Tulley and six others to Consul Murray.

Sir,

Camp Berry, Portland, March 11, 1864.

WE, the Undersigned, beg leave most respectfully to bring to your notice the fact that we were brought out from Ireland by a person of the name of Finney, for the purpose of working in Boston. We arrived in Portland on the 9th instant, but having lost the train which was to convey us with the remainder of the party we came with, we were put into prison and could not gain our liberation or food unless we submitted to enrol ourselves in the American service, which we ultimately did through mere compulsion and privation. We are now in the camp, and about being forwarded to the interior, and therefore as British subjects we claim that protection which is granted to the people of that country throughout the globe. Will you therefore, Sir, as Consul of our country, inquire into the matter at once, and gain for us our liberty, as it is a most crying shame to see British subjects treated in the manner we have been. Should you not interfere in the matter will you kindly say so, that we may represent the matter to the Secretary of State in London, as most decidedly no country can stand by such conduct. The police first confines us; keeps us in prison and refuses to give us our liberty or food until we enlist. Although we had our passage certificates to Boston in our possession we were not even six hours in America before we were entrapped.

Hoping for you kind consideration, we are, &c.

(Signed)

THOMAS TULLEY.
MICHL. BYRNE.
JAMES HIGGINS.
EDWD. CASSIDY..
THOS. BURKE.
MICHAEL MORAN.
MARTIN HOGAN.

Inclosure 3 in No. 5.

Consul Murray to Major Gardner.

Sir,

Portland, March 14, 1864.

I BEG to forward you herewith a copy of a letter I have received, signed by seven Irishmen, British subjects, who arrived in this city on Wednesday last by the steam-ship "Nova Scotian," and who complained that they have been entrapped and intimidated into the service of the United States. At a personal interview I had with these men yesterday at Camp Berry (through the kindness of Lieutenant-Colonel Merrill) they assured me in the most positive manner that their statements were perfectly true, and declared many things to me that tend to prove a systematic attempt was successfully made by the brokers, and connived at by the police, to get them into such a position that would force them to enlist.

The wise provisions of the paragraph No. 926 regarding the duties of recruiting officers appear to have been wantonly disregarded, and men who came out to this country under a contract that was binding upon their parts, to serve in industrial operations at Boston and elsewhere, have been forced to enter the military service of the United States.

May I request, on the part of these men, that an official examination may be made into their respective cases, and that they be detained at Camp Berry until the validity of their enlistment be proved?

I have, &c.

(Signed)

HENRY JOHN MURRAY.

Inclosure 4 in No. 5.

Revised Regulations for the Army.

DUTIES OF RECRUITING OFFICERS.

THEY will not allow any man to be deceived or inveigled into the service by false representations, but will in person explain the nature of the service, the length of the term, the pay, clothing, rations, and other allowances to which a soldier is entitled by law, to every man before he signs the enlistment.

Inclosure 5 in No. 5.

Consul Murray to the Mayor of Portland.

Sir,

Portland, March 14, 1864.

I HAVE received a representation from seven Irishmen, British subjects, to the effect that they arrived at Portland on Wednesday last on board of the steam-ship "Nova Scotian." That they had signed a contract in Ireland with a person named Finney, binding themselves to work at Boston for a certain monthly stipend and their board; and they arrived here with the intention of proceeding to Boston in the railway with their companions, but that on their landing early in the morning, without having breakfasted, they were immediately conducted to a neighbouring liquor store, and there treated to liquor so that the greater part of them got drunk and knew not what they did, and shortly afterwards found themselves locked up at the police office, in the new City Government House. That they were kept without food or drink, although they repeatedly asked for both. That while there enlisting brokers were admitted to them, and who told them that they would be subjected to sixty days' imprisonment which they would avoid by enlisting. They refused to enlist, and were then told that they would have no food until they did enlist. Upon this they signed the enlistment papers, and were taken before the Provost-Marshal, but on their then refusing to enter the service they were returned to confinement. This happened two or three times, and fearing that they would be starved, they at last agreed to enlist. The town bounty of 200 dollars was then placed in their hands, and they were provided with a good dinner, but still kept locked up. They state that shortly after the receipt of the bounty money, soldiers, or persons in the uniform of the United States, were admitted to them, who palmed off upon them silver watches and jewellery, almost forcing them to buy them. I went to the camp yesterday, and had a long interview with these men, who declared most solemnly to the truth of their foregoing statement.

I therefore deem it my duty to lay these circumstances before you, feeling assured that it can never be the intention of the United States' Government that persons coming over to this country, under a special contract, should be inveigled and intimidated into their military service.

There can be but little doubt that these men were systematically treated to liquor on their immediate arrival at Portland by the agents of the Recruiting Brokers, who well knew that the results of their intemperance would lead the men to the police office, where they could be acted upon with the connivance of the police.

I see by the public papers that a "Foreign Immigration Society" has been formed for this State of Maine. I need hardly remark that when the treatment of this batch of contract emigrants, both at Portland and at Boston, becomes publicly known in Europe, it must seriously affect the success of the association, for few respectable hardworking people would like to come out to a country where within a few hours after their arrival they find themselves forced to enter the military service of that country, instead of following the peaceful avocations they had contracted for.

May I request, therefore, that you will be pleased to inquire into the truth of these statements, and I would express a hope that care may be taken on the arrival of vessels conveying British emigrants, to put a stop to designing and cruel proceedings which the Government of the United States would be the first to repudiate.

I have, &c.

(Signed) HENRY JOHN MURRAY.

Inclosure 6 in No. 5.

*Major Gardiner to Consul Murray.**Office of Acting Assistant Provost Marshal General,
Augusta, Maine, March 15, 1864.*

Sir, YOUR letter of the 14th in relation to certain men claiming to have been improperly enlisted is just arrived.

I write by mail to-day to the officer commanding the Camp at Portland, requesting him to detain these men until an investigation can be made.

Very respectfully,
(Signed) J. W. T. GARDINER.

No. 6.

Consul Lousada to Earl Russell.—(Received April 4.)

My Lord,

Boston, March 21, 1864.

IN continuation of the case of the Irishmen brought over to this country by Finney (subject of my despatch of the 15th instant), I now have the honour to inclose a leading article of to-day's "Courier," which logically confutes the sophistry of Mr. Kidder's "Card," and will repay perusal, as really setting forth the true nature of the transaction. The final action of the Committee is postponed until Friday, and I shall be able by the subsequent mail to report the result.

I have, &c.
(Signed) F. LOUSADA.

Inclosure in No. 6.

Extract from the "Courier."

THE IRISH EMIGRATION ENLISTMENT SCHEME. A SUBSTITUTE BROKER'S SPECULATION FRUSTRATED.—The Committee appointed at the Stackpole House meeting, to investigate facts connected with the arrival of 102 young men from Dublin, in charge of Mr. Finney, their contract with him before leaving their home, and the treatment they received upon their arrival in this country and immediately subsequent thereto, have been diligently and conscientiously pursuing the duties assigned them, and will be ready to report at the adjourned meeting to be held on Friday evening in the hall of the Constitutional Democratic Club. The Committee have held meetings almost daily; they have examined quite a number of the emigrants: Mr. Jerome G. Kidder was before the Committee three hours at one of the sessions, and Mr. Finney, the agent, has also been present. The meetings have been conducted without bias, and all persons who had anything pertinent to the investigation to offer have been invited to speak, and have been listened to patiently and attentively. Without presuming to anticipate the report of the Committee, we desire to call attention to one or two prominent features in the transactions that have been disclosed during this inquiry.

It is made very evident by the testimony that has been taken, that the shipment of the 102 men whose particular case is under consideration, was part of a widely-extended, ramified scheme, in which more than Mr. Kidder and Mr. Finney are involved, and the outlines of which, at least, were known and approved in high official quarters before it had been tried, experimentally—before, in fact, Finney had sailed from this country. The objections to this scheme do not arise because its prime object was to procure recruits for the armies, but because it appears a scheme of fraud and false pretence upon the emigrant, and of violation to the foreign enlistment laws of another country, calculated to bring discredit upon all who connive at it, and add to difficulties which are already aggravated between the Governments of Great Britain and the United States. This going to confiding emigrants with a lie in the mouth, deluding them from home on the promise of steady work and good pay, when the real intent is to make merchandize of them, is what all fair-minded men object to and repudiate. The pernicious maxim, "The end justifies the means," has not yet been consecrated as a permanent rule of action, and therefore they who seem to have adopted it must look to have their acts characterized by their appropriate names.

It appears by the concurrent statements of the men imported by Mr. Finney for

Mr. Kidder, at an expenditure of 1,100*l.*, that they were contracted to work on railroads and waterworks, at 2*l.* British per month (some say 10 dollars per month), and found, with free passage to the United States, one suit of clothes per year, and pay to commence immediately on arrival. It appears, on the other hand, by statements of Mr. Kidder, that he was unauthorized to contract with labourers for railroad work by any railroad Company; that he had no railroad work for the men; no waterworks work for them; and that his arrangement with Mr. McDonald, Contractor of the Charlestown Waterworks, was an afterthought, made after the men arrived, and made in consequence of the frustration of the great object for which the men were brought here. It is in evidence before the Committee that, on the passage to this country, when some of the men were talking with Mr. Finney about the contract they had entered into and the work they were to do, he replied to them that they might find themselves shouldering a musket on their arrival. One of the men is deficient of an eye. Finney did not know of the deficiency until the vessel was on its passage. When he discovered the fact he denounced the man as having cheated him in not making his deformity known—as though the loss of an eye would incapacitate a man for railroad work.

The first experience of the men on their arrival in Portland is significant of the real object for which they were imported. If Finney, as the agent of Kidder, really brought them over under contract to Kidder to work on railroads at a stipulated rate, each man of them having cost Kidder 70 dollars (his own statement), it is only reasonable to suppose that Finney would have used ordinary diligence, to say the least, to keep the men together under his supervision until he could deliver them over to his principal, and use more than ordinary diligence in preventing persons from enticing away the men upon whom his employer had already expended so much money. Instead of that, however, we find him inviting recruiting agents to circulate among his charge, to be free with their liquor, to use their influence to divert them from the professed object he engaged them for. We find him on terms of excellent understanding with the policemen of that city, and that, after a number of his company had been taken to the station-house—after enjoying whiskey hospitality which had been so freely tendered to all—he leaves word that the men may be released at once if they will enlist; if they will not, that they cannot be released until he says so. Eight or ten did enlist under these circumstances, yet we hear of no word of apology from Mr. Finney to Mr. Kidder for this carelessness of men committed to his charge, who had already cost Kidder 70 dollars each, or of complaint from Kidder to Finney for breach of contract and orders, and for general neglect, by which Kidder not only ran the risk of losing his expenses, but—what must be of far greater consequence, if his explanation that he wanted labourers is correct—the loss of his men. We would like to see the settlement of the accounts concerning the men who enlisted at Portland, that we might know how much Mr. Kidder loses or gains by that transaction.

But Mr. Kidder, in a card published in the “Daily Advertiser,” copied into the “Courier,” affirms that he caused the men to be brought over here as an “an experiment to see if by possibility a plan of importing labourers could be made self-sustaining.” He adds, “The depth of poverty from which this hundred men have been taken may be inferred from the fact that before they were shipped they all signed an agreement to work for one year for 10 dollars a-month and their board and lodging—the cost of their passage to be deducted from their first earnings.” There was a contract, then? Yet Mr. Kidder admitted to the Committee that even before the men had arrived he was in consultation with the recruiting agent of the 28th Regiment in reference to them. It is also admitted, and not denied by any one, that, in his first interview with the men, on the very night of their arrival in Charlestown, Mr. Kidder addressed them, said they had come upon him unawares, work was not ready for all of them, but if any would like to enlist they could do so at once, and suggested the 28th Regiment as a desirable regiment to enter. This does not look like an over anxiety to see if the “plan of importing labourers could be made self-sustaining,” but “wicey warcey—quite the rewarce,” as Captain Cuttle would say.

The insinuation of Mr. Kidder about the depth of poverty from which the men have been rescued by his philanthropic labours is ungracious and unkind, and, what is more, it is untrue. He may not be aware of the fact, but it is in evidence before the Committee that the men, as a body, were industrious mechanics and labourers of the city of Dublin, more than ordinarily intelligent, all of them able-bodied, with the exception of the one-eyed man, whom Finney swore at for cheating him, and all of them were in employment in their respective callings, earning from 15*s.* to 1*l.* 10*s.* a-week wages. But the most noticeable part of Mr. Kidder's card is the complaint that “the conduct of the men on this occasion will no doubt preclude the probability of any further attempts of the kind

being made," and the admission that "I am informed, on the best authority, that 10,000 men could be engaged on the same terms as these." The complaint and the admission are both important as showing, on the one hand, what progress had been made in this emigration scheme in Ireland; and, on the other, how completely it has been frustrated by "the conduct of the men," and the disclosures that have been made "on this occasion."

We wait the Report of the Committee, the substance of which, and the conclusions which the meeting may arrive at, we shall publish. It was designed that the Report should be made this evening, but an unavoidable postponement has been made to Friday evening.

No. 7.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, April 5, 1864.

I HAVE received from Consul Murray a copy of his despatch to you of the 17th ultimo, respecting seven Irishmen forming a portion of the emigrants taken to America by Finney, who, on their arrival at Portland, were improperly induced to enter the United States' military service; and I have to instruct you to apply to Mr. Seward for the release of these men.

I am, &c.
(Signed) RUSSELL.

No. 8.

Lord Lyons to Earl Russell.—(Received April 24.)

My Lord,

Washington, April 8, 1864.

WITH reference to my despatches to your Lordship of the 14th and 22nd ultimo, I have the honour to transmit to your Lordship copies of further papers relative to the enlistment at Portland and Boston of Irish immigrants who arrived at the former place on board the packet "Nova Scotian" on the 9th ultimo.

It appears that an investigation of the circumstances under which the enlistment took place at Portland is going on that place, and that Her Majesty's Consul has been invited to be present, and attends daily. I regret, however, to say that I find that my request that these men might not be sent forward to the army pending the investigation has not been attended to. One of them, Thomas Tulley, has called at this Legation, and has written the statement which forms the 12th inclosure in this despatch. It seems that he and his companions were forwarded to the army of the Potomac, that the others are now serving in the 20th Maine Regiment in that army, and that he himself would also be in actual service in that regiment had he not been sent back to the hospital here on account of illness.

I observe in the report of a speech of a Mr. Edward Ryan, which appears in the newspaper extract (Inclosure 7 in this despatch), a statement that Mr. Murray, Her Majesty's Consul at Portland, had refused to interfere in the case of a man named Martin Hogan. The name of Martin Hogan appears, however, among the names of the men in whose behalf Mr. Murray appealed to the local authorities, and in whose behalf I, acting on a report from Mr. Murray, appealed to the United States' Government. The insinuation made by the same speaker that Mr. Murray "makes money himself in the recruiting business" is of course simply absurd.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 8.

Consul Lousada to Lord Lyons.

My Lord,

Boston, March 21, 1864.

IN continuation of the case of Irishmen brought over to this country by Finney (subject of my despatch of the 18th instant) I now have the honour to inclose a leading article of to-day's "Courier," which logically confutes the sophistry of Mr. Kidder's "card," and will repay perusal, as really setting forth the true nature of the transaction. The final action of the Committee is postponed until Friday, and I shall be able by the subsequent mail to report the result.

I have not as yet succeeded in getting a list of the men, but expect to do so. Copies of this article as well as of the previous ones were sent by me to the Foreign Office.

After writing thus far, I received a letter of which I inclose a copy. This letter contained an inclosure (original transmitted herewith, with request that it may be returned at once after perusal in order that I may restore it to owner).

My reason for forwarding this document is, that it forcibly strikes me as being a ramification of what I consider the same plot against our labouring men; for to entice them over under pretence of remunerative work, and then to put them in the position of either being in want or of enlisting, is to all intents and purposes a nefarious conspiracy.

I have, &c.
(Signed) F. LOUSADA.

Inclosure 2 in No. 8.

Extract from the "Courier."

[See Inclosure in No. 6.]

Inclosure 3 in No. 6.

Mr. Ainsworth to Consul Lousada.

14, Pinfice Block, City of Lawrence, Massachusetts,
March 19, 1864.

Sir,

HAVING come to this country on July 22, 1863, on the steamer "Georgia," I beg to ask you for a passage back to my own country. My object in coming to this country was to open a field of labour for my suffering countrymen in Blackburn. I am sorry to give you to understand that I have not been able to carry my plan into effect for want of health. I inclose a letter in this that will show you my intended route to this country and Canada, but I hope you will have the kindness to send the inclosed letter back with a reply; the gentlemen of this country having sent for my family, thinking I would have better health, but I am sorry to inform you that the climate is against me, and I beg of you to grant a passage for my family as well, as all my means and money is done.

Your obedient servant,
(Signed) H. W. AINSWORTH.

Inclosure 4 in No. 6.

Mr. Stuart to Mr. Buchanan.

*Canadian Government Information Office, 19, Drury Buildings,
Water Street, Liverpool, July 7, 1863, at the
landing-stage, Tuesday morning.*

Dear Sir,

THIS will introduce to you Mr. H. W. Ainsworth from Blackburn. Mr. Ainsworth proceeds to our country as a delegate from an important Emigration Committee, the only one of the populous manufacturing town of Blackburn. Mr. Ainsworth will present you with a letter from his Committee; he has awoke my special interest as a man earnestly interested in behalf of his suffering countrymen. I will leave him fully to open up to you the special object of his visit to Canada, and as he proceeds or intend to proceed from New York to Quebec, very much, if not for the express purpose of seeing Mr. Buchanan, whose name is regarded in this country as that of one who must be a friend to the people, I trust you will be able to put Mr. Ainsworth in the right road of introducing the subject personally to the kind consideration of our Government and people.

Mr. King, Editor of the "Blackburn Times," arranged with the Messrs. J. Bains and Co., to have this, the second party from Blackburn to Canada this season, to go by the "Albion" screw-steamer to New York (passages 4l. 10s.); the first party left here by same route last Tuesday (some thirty in number), and this party of over thirty go to-day. A good journey to them, and a welcome to Canada.

(Signed) W. F. STEWART.

Inclosure 5 in No. 6.

Consul Lousada to Lord Lyons.

My Lord,

Boston, March 23, 1864.

IN continuation of my despatch of the 21st instant on the subject of those imported Irishmen, I have the honour to report that Finney came to my office to-day, and a more villainous specimen of humanity, as far as outward signs go, I have rarely seen; just the

tool fitted for the work. He had the audacity to affect to consult me as to whether he could not arrest these men for breach of their contract with him, and said he was going on to Washington to see the Secretary of War, to claim from him the men already enlisted to his (Finney's) detriment.

He professes ignorance as to the whereabouts of the bulk of the importation (the list of which as procured from Portland herewith inclosed); but he admits that several have enlisted, and that he got one off in the 4th Massachusetts Cavalry, which sailed to day for Hilton Head.

After leaving, he came back again, and with a look of inexpressibly low cunning asked me, in case he succeeded in reclaiming his men from the Secretary of War, what action I propose to take in the matter. I simply told him it would be time enough to consider that when the case arose.

I have, &c.
(Signed) F. LOUSADA.

Inclosure 6 in No. 8.

Consul Lousada to Lord Lyons.

My Lord,

Boston, March 26, 1864.

I HAVE the honour to inclose copies of the Report of the Committee of Investigation in the Irish emigration case. The meeting stands adjourned, but I doubt if any further action will be taken.

I have, &c.
(Signed) F. LOUSADA.

Inclosure 7 in No. 8.

Report of the Committee of Investigation in the Irish Emigration Case.

THE KIDDER EMIGRANTS. REPORT OF THE COMMITTEE OF INVESTIGATION.—AN adjourned meeting of citizens, called to consider the treatment of certain Irish emigrants who lately arrived in Boston in the steamer "Nova Scotian," at Portland, was held in the Hall of the Democratic Club last evening. The Committee appointed to investigate the case came in with their Report, in which they say that they have examined publicly a great number of witnesses, and have also had communications with various persons in relation to the matter. The Committee direct their attention in the first place to the alleged ill-treatment and neglect suffered by the emigrants from those who had them in charge, and they have gathered the following facts:—that the emigrants are all healthy, able-bodied young men, and nearly all able to read and write; that during the time they were in Portland, and up to 9 o'clock of the evening of the 9th, it does not appear they received any attentions from the persons whose duty it was to provide for them, neither shelter nor food having been given to them; that Mr. Kidder caused them to be brought to a vacant store in Bunker Hill Street, Charlestown, on the night of their arrival from Portland, and there, after having provided them with crackers, cheese, tea, ale, and whiskey, left them to pass a winter's night on the bare floor, without even a blanket to cover them, and at an hour when, for half a dollar a-piece at the utmost, comfortable lodgings could be provided for each of them; that there were no proper efforts made by persons claiming control of the men to provide for them decently, to give them immediate employment, to keep them from indulging in intoxicating liquor, or to prevent them from falling into the hands of the "substitute brokers" and "runners" for recruiting offices, who gathered about the emigrants and entrapped a number of them into enlisting; that had it not been for the kindness of the good people of Charlestown, who provided them with every assistance that could be afforded, the emigrants would have suffered still worse than they did; and finally, that both Finney and Kidder, together with all concerned, must acknowledge that the emigrants were not treated by them as even the common usages of civilization demand that human beings should be treated.

In reference to the allegations that the object in bringing the emigrants to this country was to induce them to enter the military service of the United States as a part of the quota of Massachusetts, the Committee say, "For the purpose of leaving the public to judge of the truth of the matter alleged, we have embodied in our Report the statement of a number of witnesses, and thus leave every person to draw his own inference. The Committee add for themselves that, if the emigrants made any arrangement to enlist in the army when they arrived here, or had it been understood that they

were to enlist, then those who induced them to come to this country cannot be charged with having practised any trick or deception upon them. But the men deny that it was intended they should enlist, and the principal parties engaged in bringing them to this country deny it also, and furthermore say that the whole aim in inducing the men to emigrate was a philanthropic project, something intended to better the condition of the men and to benefit the State.

Among the persons examined was one of the emigrants, Michael Kirby. He states that, while on the passage Finney said to him, in conversation, "Tell them (the other emigrants) that they had better be prepared to take the musket when they land." Before this the men had begun to have suspicions that they were intended for the United States' service, by what the firemen and stewards said. This witness testified at length respecting their experience after the arrival in Portland and down to the time when the men were lodged in Kidder's old building in Charlestown. It was then that Kidder himself came among them and made a speech on the occasion, saying among other things, "If you have a mind to enlist I would advise you to enlist in the 28th Regiment," but saying nothing about work he had for them to do. Simeon Gavin, another of the emigrants, testified that Kidder's first conversation with them was to enlist with him (Kidder) as he was entitled to enlist the men, having brought them out. Finney up to this time had never cautioned any of the men against enlisting. Gavin came over to Boston the next day, and he with companions, by some means found themselves in the Harbour Police Station, and he gives a curious history of the various and persistent efforts that were made to induce them to enlist.

Mr. Finney, himself, was then examined by the Committee at great length. He says, he has lived thirteen years in this country, and has passed most of the time between Haverhill, Manchester and Northfield. He has never been engaged either directly or indirectly in enlisting men for the army. He explains his introduction to Kidder in this wise: He met an Irishman from Portland, whose name he has forgotten, who had just come from Kidder's office, and was told by him that a number of Irishmen were to be imported to this country. Finney thought he would try for a chance. He don't know how he came to speak to the Portland man. He and another (both were Irishmen) were talking, when Finney came up, about bringing over emigrants and paying their passage, and about parties in town who were to do it. "I can't say whether the stranger mentioned Kidder's name first, or myself." In relation to his interview with Kidder, Finney distinctly states that his object in calling upon that gentleman was to get him to contribute something to bring emigrants over. He proposed to get them from Galway. He told Kidder he was about to start a project himself to get men over. Referred Mr. K. to John B. Chase, and Dr. Tibbetts, Manchester, N. H., and William Jeffers, Haverhill. Was simply asking for the means to get the men out, and considered the project his own individual undertaking. On the next day, Mr. Kidder said he knew a firm who would take hold and help in the undertaking, and then gave him a copy of an agreement for each man to sign to work for me (Finney) for one year, at 10 dollars a month and board and lodging:—the work to be done on the Charlestown Water Works, Pennsylvania Coal Mine, Hartford and Erie Railroad, &c. Mr. Kidder's name was not mentioned in the agreement. My compensation was to be 50 dollars a month. In a conversation Finney had with Governor Andrew, he told the Governor what Kidder and the others were doing. The Governor replied, he would have nothing to do with it. He had no money to invest.

In reference to his arrest in Ireland, Finney said his papers were all right, and the authorities could make nothing of them. The papers were simply four or five letters from contractors who said they wanted them. One of the men, Pat McDermott, him with a lame eye, stated to the Committee, in the presence of Finney, that Finney one day accosted him on ship-board, in the roughest manner, swearing,—“I have been rightly sucked in by you.” The way that he had been sucked in was, that McDermott kept the peak of his cap over his blind eye so that Finney should not see it. Finney denied to the Committee that such a scene took place, or such language was used.

The statement of Kidder was given by the Committee above almost *verbatim*. He was examined nearly three hours. He stated that Finney had been recommended to him as a respectable Irishman. His sole object in engaging in the undertaking was to do a good deal of good at a small outlay. His instructions to Finney were to hire men for labour and nothing else, and say nothing about war, else he might get into difficulty with the Government. Finney was to be paid according to the success of the scheme—liberally if it was very successful. It had proved a total failure, and he would be paid nothing. He had asked some gentlemen who participated in the Board of Trade Emigration meeting a few months ago to associate with him, but they had refused. Finney had

orders only for 100 men. Another gentleman, Mr. Ames, was concerned with him in the enterprise, and he has to bear half the loss. Governor Andrew knew of the matter, but could not act officially in regard to it. Orders were sent not to ship any of the men after the 23rd of February. When the men arrived, he told them if they wanted to enlist they could do so, but he wanted the 70 dollars each man had cost out of their bounty. In anticipation of their arrival had tried to get work for them, but arranged nothing definite.

The Report concludes by calling public attention to the part the Portland and Boston police had acted in endeavouring to get these men to enlist.

Martin Lynch called attention to some points that had been omitted by the Committee. Kidder acknowledged he had applied to a recruiting office in regard to these men before they arrived. Another point: The treatment some of the men have received from the Boston police. He charged it distinctly that a member of the harbour police arrested two men for drunkenness; that he, with others, tried every art and inducement to have them enlist; that on their release the next morning this same policeman said, "You look cold, my boys," and took them to a bar room, treated them three or four times, and paid for the drinks. The policeman denied the fact, denied that he had left the Station-house when the men left; but Mr. Lynch traced him with the men to a bar-room, where the men drank. And he wanted the meeting to understand and know that there is such a thing in Boston as a policeman taking a man up for drunkenness at night, and taking him out the next morning and giving him drink three or four times.

Mr. Lynch had not the slightest doubt that Mr. Kidder brought the men over for the purpose of enlisting them. Why, else, did he make no arrangements to receive them? Why, else, did he apply to a recruiting officer concerning them before they arrived? Mr. Lynch also said that he had been informed by a lawyer of Boston that Kidder had stated before the men arrived that he was engaged in a recruiting scheme which, if successful, would soon fill up the quota of Boston. Mr. Lynch did not hesitate to say that the whole thing was a rascally operation, turn it which way you will.

Eneas Smyth, Esq., noticed the contradictions between the statements of Mr. Kidder and Mr. Finney, and examined the statements of both at some length. He made no question that, instead of this being a philanthropic scheme, as claimed Mr. Kidder, it was a scheme to make money, either in the difference of wages between 10 dollars a month and board, the sum they were to receive from Kidder, and the wages their labour would actually bring, or by enlisting them.

Mr. Edward Ryan would have the Report amended by censuring severely those men in Boston and Portland who were so actively officious in urging the emigrants to enlist. As to Messrs. Kidder and Finney, whatever their intentions were, they had worked their cards too shrewdly to authorize us to say, definitely, they had been engaged in a scheme of enlistment. At any rate it was perfectly plain that Irishmen here had been foremost in endeavouring to get recruiting bounties for them. He stated that he had just returned from Portland and was convinced from what he had heard, that the men who were enlisted in Portland were drugged and forced into the army by the authorities of that city. The case of Martin Hogan, one of these emigrants, was one of peculiar outrage and hardship. He was a stucco-worker by trade and had engaged to work for a plasterer at 3 dollars a day. One day, while at his employment, a man came and told him some of his chums were on the Railroad Wharf and wanted to see him. He went, saw none of his chums, but found a man who claimed to know him, who invited him into a bar-room, where he drank one glass, and the next thing he knew was he found himself, next morning, in Camp Berry. He has refused to receive the bounty, refused to put on the military clothing, and even refused to eat the camp rations, having pledged his watch to supply himself with food, yet that man cannot be released from the camp. The British Consul at Portland has refused to interfere, for the reason, Mr. Ryan thought, that he makes money himself in the substitute business. Hogan has a wife in Dublin. He fears that he will be sent away in a day or two in a transport. The attention of Lord Lyons has been called to this case. Mr. Ryan concluded by hoping there would be embodied in the Report of the Committee a severe censure upon the authorities of Portland for their connivance in kidnapping these men.

Other remarks were made, when the suggestion of Mr. Ryan was adopted, and the meeting adjourned.

Inclosure 8 in No. 8.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, March 28, 1864.

I HAVE the honour to acknowledge the receipt of your communication of the 19th instant, respecting the cases of Thomas Tulley, Michael Byrne, James Higgins, Edward Cassidy, Thomas Burke, Michael Moran, and Martin Hogan, alleged to be British subjects, and to have been improperly enlisted into the United States' army.

I have the honour to inform your Lordship that I have invited the early attention of the Secretary of War to these cases, and have requested him to cause an investigation thereof, and the adoption of such proceeding as the result may seem to require.

If the report of a similar transaction at Philadelphia,* mentioned by your Lordship, should prove to be well-founded, I shall cheerfully adopt the same course in regard to it, when I shall have received the names of the men and such details as you may be able to communicate to me.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 9 in No. 8.

Consul Murray to Lord Lyons.

My Lord,

Portland, March 28, 1864.

IN acknowledging the receipt of your Lordship's despatch dated respectively the 18th and 19th instant, I have the honour to report that the Provost-Marshal at Portland, Captain Doughty, received on the 17th instant an order from the Acting Assistant Provost-Marshal-General, Major Gardiner, to make an investigation of the circumstances under which the seven Irishmen who were landed from the steam-ship "Nova Scotian" on the 9th instant were enlisted into the United States' military service.

The examination of the witnesses, under this order, commenced on the 25th instant, and is continued daily at the office of the Provost-Marshal.

Having received an invitation from Captain Doughty to be present at these examinations, I have availed myself of the permission, and have been in daily attendance. I will report again to your Lordship on their conclusion.

I have, &c.

(Signed) HENRY JOHN MURRAY.

Inclosure 10 in No. 8.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 7, 1864.

IN a note which I had the honour to address to you on the 19th of last month, I called your attention to the circumstances under which seven British subjects had (as I was informed) been entrapped into the United States' army immediately after they landed at Portland, and at the same time I expressed my hope that if the men were not discharged at once measures would be immediately taken to prevent their being forwarded to the army or placed in actual service pending an investigation of the matter. You were so good as to inform me in reply, in a note dated the 28th of last month, that you had invited the early attention of the Secretary of War to the case of these men. I am very anxious to learn as soon as possible what has been done with the men, and I am also desirous of being made acquainted with any proceedings which may have been adopted with a view to investigate the circumstances connected with their enlistment.

In the note to which I have referred I also informed you that it had been reported to me that a large number of Irishmen, brought over by the same packet, and in charge of the same person, a man named Finney, had been practised on in a not unsimilar manner in the neighbourhood of Boston.

I have herewith the honour to inclose a list of the names of the passengers by the packet in question, the "Nova Scotian." I have not yet received special information

* Qy. Boston.

respecting any of these men individually excepting the seven enlisted at Portland. But it is reported to me by Her Majesty's Consul at Boston that several of them have been enlisted. The treatment to which a great number of them were subjected in the neighbourhood of Boston has become matter of public notoriety; and I cannot doubt that the proper authorities will consider that there is, to say the least, sufficient *prima facie* evidence that these men have been unfairly dealt with, to render it proper that steps should be taken to trace those of them who have enlisted, and at the same time to investigate thoroughly the circumstances under which their enlistment took place.

I must, moreover, express my hope that the United States' Government will take into consideration the suggestion which I ventured to make in my note, that measures should be adopted to protect foreigners arriving in the United States from the practice of unscrupulous recruiting agents.

I have, &c.
(Signed) LYONS.

Inclosure 11 in No. 8.

Lord Lyons to Consul Lousada.

Sir,

Washington, April 7, 1864.

WITH reference to your despatches of the 11th, 12th, 17th, 21st, 23rd, and 26th ultimo, and to my despatch of the 13th ultimo, I have to state to you that I have represented to the Secretary of State of the United States that there is sufficient *prima facie* evidence that a considerable number of the Irish passengers by the "Nova Scotia" were unfairly dealt with, to render it proper that measures should be taken by the proper authorities to trace those who have enlisted in the United States' army, and to investigate thoroughly the circumstances under which their enlistment took place.

You will bear in mind my instruction of the 13th ultimo, and not relax your own endeavours to trace these men, and to obtain in the several cases such evidence of the practices by which they were made to enlist as may serve to support applications from me to the United States' Government for their discharge.

I have suggested to the Secretary of State of the United States that effectual measures should be taken to protect British subjects arriving in the United States from the practices of unscrupulous recruiting agents.

I am, &c.
(Signed) LYONS.

Inclosure 12 in No. 8.

Petition of Thomas Tulley.

No. 5 Ward, Finley Hospital, Washington, Delaware County,

May it please your Lordship, *April 4, 1864.*

THE humble petition of Thomas Tulley, one of Her Britannic Majesty's subjects, but now enrolled in D Company 20th Maine Regiment, United States' army, humbly solicits your Lordship's kind consideration and perusal of the following petition. Your Lordship's Petitioner came from Liverpool in the steam-ship "Nova Scotian," and landed in Portland on the 9th of last month, for the purpose of fulfilling a lucrative employment in the establishment of Messrs. Page, Richardson and Co., of Boston, but the day he landed he missed the cars, and, after being about six hours in America, Petitioner was confined in the city prison.

That Petitioner was visited in his cell the next morning by a recruiting Agent and asked to enlist, and thereby gain his liberty; this Petitioner refused, and remonstrated with the Agent as to such conduct in a civilized country.

That Petitioner was suffering with thirst and hunger, and he applied to the prison officials for sustenance, which was refused. Petitioner then demanded to be brought before a Magistrate, but he was informed that he would be brought before no such person. Petitioner then asked when he would get his liberty, but his question was met with a dubious answer, but that if Petitioner enlisted he would be released and get plenty of food and drink.

That Petitioner, under the circumstances, asked for his liberty in order that he might consider the matter fully, hoping to get to the British Consul. The Deputy Governor

unlocked the cell-door, but Petitioner was met at the main entrance to the prison and presented with enlisting papers, which he refused to sign, when your Petitioner was again locked up. Subsequently Petitioner was again assailed by Army Agents, and one of them took your Petitioner to a recruiting office, watched by the police, who had orders to bring your Petitioner back to prison unless he signed the enlisting papers, which Petitioner, under such circumstances, was compelled to sign, after which Petitioner received food and drink, but not his liberty. Petitioner was then locked in a room, where he received clothing, and was brought by an escort to the Treasury Office, where they gave Petitioner 200 dollars State bounty, the principal portion of which sum was extorted from Petitioner for paltry articles of clothing, &c.

That Petitioner on the evening of his enlistment and the day after his arrival in America was sent to Camp Berry, outside Portland, where he was again almost a prisoner, and Petitioner seeing his position managed through a friend to send a letter to Mr. Murray the British Consul, who came and investigated the matter before the Colonel in command at that place, and he signified his strong disapprobation of the manner I and five more of my countrymen were treated, as Petitioner begs to remind your Lordship that there are five more men who were treated in the same manner as Petitioner, and are now serving in the same company and regiment as your Petitioner. Mr. Murray informed Petitioner that he would apply to the Provost-General for Petitioner's and his companions' release, and that if he did not succeed he would lay the case before your Lordship; but whether he has done so or not, your Petitioner is ignorant of. Mr. Murray also advised your Petitioner to take no more money, and when the Government bounty 173 dollars was offered, your Petitioner refused taking it, although the other five men took it, so that your Lordship's Petitioner has taken no money except the State bounty as aforesaid, which he was almost forced to take.

That on Petitioner's march through the country he posted a letter for your Lordship in Philadelphia, but Petitioner fears it did not reach your Lordship.

That on Petitioner's arrival at his regiment which forms part of the army of the Potomac, he was sent back to this hospital on account of some slight sickness, and under such a fortunate event Petitioner is able to lay his case before your Lordship before he is again sent back, and Petitioner fully hopes that your Lordship will get your Petitioner his liberty, on account of the unlawful manner he has been treated in America.

That your Petitioner was about representing the matter to the Secretary of State in London, and also to the two members who represent his native city in Parliament, but having thought of your Lordship as Representative of England in America, Petitioner once more craves your Lordship's interference with the War Department, and thereby obtain your Petitioner's release.

That your Petitioner has served his own country for many years during the Indian mutiny, and is at present receiving sevenpence per day pension, having been discharged on account of bad sight, but a good chance having offered I came to America to better my position, and scarcely was Petitioner landed in free America than he was treated as aforesaid, but which I am certain your Lordship will not tolerate.

That your Petitioner is prepared to make an affidavit before any person as to the foregoing statement.

Your Petitioner therefore humbly prays that your Lordship will do whatever is necessary for your Petitioner.

And in duty bound your Lordship's Petitioner will ever pray.

(Signed) THOMAS TULLEY,
D Company 20th Maine Regiment.

P.S.—Your Lordship's Petitioner is likely to be shortly sent back to his regiment. Will your Lordship, therefore, attend to your Petitioner's case shortly, and for which may you have every blessing.

T T.

Inclosure 13 in No. 8.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 8, 1864.

WITH reference to the note which I had the honour to address to you yesterday, I regret to say that I have learned that Thomas Tulley and five of the men enlisted

at Portland, whose cases I represented to you on the 19th of last month, were sent to the army of the Potomac, and enrolled in Company D, of the 20th Maine Regiment. Five of them are, as I understand, actually serving in that regiment in the field or in camp. Tulley has, I am informed, been transferred temporarily to the Finley Hospital in this city. I deem it right, therefore, again to call your attention to the request I made on the 19th ultimo, that these men might not be forwarded to the army, nor placed in actual service, pending an investigation of the circumstances of their enlistment.

I have, &c.
(Signed) LYONS.

No. 9.

Lord Lyons to Earl Russell.—(Received May 1.)

My Lord,

Washington, April 19, 1864.

WITH reference to my despatch of the 8th instant, and to the previous correspondence relative to the enlistment at Portland and Boston of the Irish passengers by the steamer "Nova Scotian," I have the honour to transmit to your Lordship herewith a copy of a note from Mr. Seward, acknowledging the receipt of my communications of the 7th and 8th instant on the subject.

I have also the honour to transmit to your Lordship copies of a despatch from Mr. Consul Murray, and of its inclosures. The inclosures consist of a Report of the Provost Marshal and Board of Enrolment at Portland, and of depositions on which it is in part founded.

I shall endeavour to obtain further information from the enlisted men themselves, as the Report of the Board does not appear to me to be conclusive as to their having been fairly dealt with.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 9.

Mr. F. Seward to Lord Lyons.

My Lord,

Department of State, Washington, April 12, 1864.

I HAVE the honour to acknowledge the receipt of your communication of the 7th and 8th instant, referring to that of the 19th of last month, relative to the case of Thomas Tulley, Michael Byrne, and five other Irishmen, British subjects, said to have improperly enlisted into the United States' military service, and the former relating also to the alleged treatment of the passengers of the "Nova Scotian," and to the subject of the practices of recruiting agents in regard to foreigners arriving in this country. I have the honour to inform your Lordship, in reply, that I have inclosed a copy of those communications to the Secretary of War, whose particular attention has been drawn to the request contained therein.

I have, &c.
(Signed) F. W. SEWARD, *Acting Secretary.*

Inclosure 2 in No. 9.

Consul Murray to Lord Lyons.

My Lord,

Portland, April 7, 1864.

I HAVE the honour to transmit herewith a duplicate Report, together with a set of duplicate sworn evidence, made by the Provost Marshal and Board of Enrolment at Portland, to Major Gardiner, the Acting Assistant Provost Marshal General at Augusta, in pursuance of instructions under date of the 17th ultimo, to investigate into the circumstances under which seven Irishmen had been enlisted into the military service of the United States; the official attention of Major Gardiner having been requested by a communication from myself dated the 14th ultimo, inclosing a copy of a petition addressed to me from these men, who alleged that they had been improperly and against their will, enlisted into the service.

I was present during the whole investigation, which lasted for several days, and I have much pleasure in testifying to the good faith and earnest endeavours of the Provost Marshal and his coadjutors in obtaining the most searching evidence.

The conclusion that the Board have come to is, that they "cannot learn that any one connected with recruiting furnished any liquor to these men. That food and drink were furnished to them while in confinement, such as is furnished to other prisoners in like circumstances. That they were enlisted of their own free will while perfectly sober. That after their enlistment they never refused to enter the service when brought before the Provost Marshal, and therefore were never returned to confinement for refusing. That two watches were sold to them by men in United States' uniforms, as will appear by the statements of Lieutenant Strout and Sergeant Atkinson, and nothing else."

As this conclusion is based upon the personal knowledge of the Board, and upon sworn testimony, while the written allegations of the absent Irishmen are somewhat confused, and do not contain the whole truth, it will be difficult to rebut it. Yet a perusal of the evidence will prove that some portion of their complaint was not without reason.

The Board state no one connected with recruiting furnished any liquor to the men. This may be true, or at least there may be no evidence to prove the fact as regards those identical men, but there can be no doubt that there was a systematic attempt made to get these emigrants drunk for the purpose of enlistment. Policeman Berrick's evidence on this subject is most important. He states, "While in Mr. Bradley's (liquor store) there were two or three well-dressed men, I do not know their names, but have seen them in this city, who appeared to be liberal with their money. These men were not drinking themselves, but the emigrants were. I saw a man who said he was from Augusta, who appeared to be talking with the men out on the railroad track. This man said to me he was a recruiting officer, and wanted some of my help to get some of the men. I told him the police had nothing to do with business of that kind. He insinuated to me that if the men wanted liquor to aid them in getting it. I told him no, that I did not drink myself and would not assist in procuring any for the men."

Mr. Bradley, the keeper of the public-house testifies, that "a man came into my shop and bought a demijohn of whiskey; he carried it towards the wharf where the steamship lay. This man was a Canadian. He told me so. I have seen him before, don't know his name."

The evidence of these two persons is conclusive that the emigrants were treated to liquor; that the expected result took place—they got drunk, and some of them were conveyed to the Station-house; and that had they not been made drunk, they would have gone off to Boston with their companions.

The charge of intimidation is founded, I presume, upon the evidence of police officer Cole, who states that when they asked him what would be their punishment for getting drunk and for riotous behaviour, replied that they would be fined thirty shillings sterling, or be liable to imprisonment for thirty days. This may be the law, but I much doubt whether it is carried out in practice.

The evidence given by the police officers and the recruiting officers proves that there was a very good understanding between these functionaries, and that the latter were even called and admitted to the cells with the object of inducing the men to enlist.

The charge of having watches and jewellery palmed off upon them by persons in the uniform of the United States is met by the statement of Lieutenant Strout and Serjeant Atkinson, who, while they admit having sold them two watches at their earnest request, declare that also, at their desire, they accompanied the men to the watchmakers and other shops to make purchases, as it is not permitted to new recruits to go about by themselves.

With regard to Thomas Tulley, if due credit be given to the evidence of policeman Berrick, it would appear that he came over with the object of enlisting, not caring on which side he fought, but only for the party who gave him most money. I must however remark, on his behalf, that I understand on his leaving Camp Berry, he and one other of his companions refused to accept a portion of the bounty money due to them.

Major McClellan has not thought proper to acknowledge the receipt of my communication of the 14th ultimo, and I have been given to understand that he does not intend to do so, as he objects to the tone of it.

I have, &c.
(Signed) HENRY JOHN MURRAY.

Inclosure 3 in No. 9.

*Report.**Provost Marshal's Office, Portland, April 2, 1864.*

WE have the honour to make the following report, as to the circumstances under which Thomas Tulley, Michael Byrne, James Higgins, Michael Moran, Edward Cassidy, Thomas Burke, and Martin Hogan, were enlisted at this office. This report was called for by your communication of March 17, 1864. A copy of a communication to Honourable Jacob Mc Cellan, Mayor of this city, was furnished us, which we forward with this Report. This communication was written by Her Majesty's Consul at this port, Henry John Murray, Esq. We assumed that this communication was in the nature of a complaint, and our object has been to arrive at the truth or falsity of these charges, by the last testimony that could be procured. Her Majesty's Consul was invited to be present and take a part in the investigation, and we are pleased to say he has been present during the entire investigation and taken a part in the same, and while he has been faithful to the interests of the Government that he represents, the entire intercourse between him and this Board has been of the most pleasant character. While we had no express order to take the testimony of any individual in the case, we supposed that a grave question of international policy was at stake, and that our own report would be of more value, if we should forward the sworn testimony that we have taken in the case upon which our Report is partially based. Of course a certain portion of our Report is made up from our own knowledge, and no testimony other than that of this Board could be procured. We commenced the investigation on the morning of the 25th day of March, and continued from day to day, as the other business of the office would permit, until the final completion.

The steam-ship "Nova Scotian" arrived at this port on the morning of the 9th of March, bringing a large number of Irish steerage passengers. As to the contract that they had signed to go to Boston we have no authentic proof, but suppose that to be the case. The first knowledge that we had of these men is that they landed, and about half-past 10 o'clock went to the house of James Bradly, jun., and called for food; some of the men were intoxicated when they arrived there; those who had food had money with which to pay their bills, and did pay in English coin. Prior to this, as appears from the statement of James Bradly, jun., a man, who said he was from Canada, bought a demijohn of whiskey, and carried it down towards the wharf where these emigrants landed. We do not know whether any of this liquor was served out to the men or not. Thus far we have not been able to learn who furnished or paid for the liquor that they drank; quite a number of these passengers became drunk, noisy, and troublesome. The police tried to keep them quiet until they could be forwarded to Boston, but they did not succeed, and several were carried to the watch-house. The evidence of the several policemen is referred to show these facts. Thomas Tulley, Michael Byrne, James Higgins, and Michael Moran, and other men who were not mustered into the United States' service, were among the men arrested by the police. As to their treatment while in the watch-house see the testimony of the police. We refer to the testimony of John Collins, recruiting officer, as to the condition of the three first named at the time of enlistment.

We believe that these men were perfectly sober when enlisted by Mr. Collins, and that they enlisted into the contract to serve in the military service of the country voluntarily. Mr. Collins enlisted Tulley, Higgins, and Byrne, and one other who was rejected by the Board. At first Byrne was examined and rejected for some difficulty with his foot. He was very anxious to be accepted; stated that he had been in the British East India Service, and had marched and could march with perfect ease; and in proof of his having been a soldier took a musket and went through with the manual of arms with great precision. After mature deliberation and examination of the 34th section of circular, No. 1 series of 1864, the Board decided to accept him. Patrick Brophe, the other one who was enlisted by Mr. Collins, was rejected for varicose veins. He was very anxious to be accepted, and was very much disappointed when the Board decided to reject him. We do know that Thomas Tulley, James Higgins, and Michael Byrne were mustered into the service when perfectly sober and according to their own express desire. We know nothing about the enlistment of Burke, Cassidy, Moran, and Hogan; only from testimony of John M. Todd, a recruiting officer, whose statement accompanies this report, and of police officer Cole, whose statement corroborates Mr. Todd's in some particulars. We refer to the statement of Mr. Todd, and believe in its correctness. Burke and Cassidy were presented for examination the afternoon of the 9th, but the

surgeon refused to examine them because they were intoxicated, and they were taken away; brought in the next day with Moran, and the three were examined and mustered. Hogan was examined and mustered the 11th day. At no time have any of these seven men ever refused or expressed the slightest objections to be examined or mustered, but, on the contrary, earnestly desired it. Hogan never was in confinement at all; therefore the whole complaint as to Hogan falls to the ground. Therefore, in conclusion, we say that we cannot learn that any one connected with recruiting furnished any liquor to those men; that food and drink was furnished to them while in confinement such as is furnished to other prisoners in like circumstances; that they were enlisted of their own free will while perfectly sober; that after their enlistment they never refused to enter the service when brought before the Provost-Marshall, and therefore were never returned to confinement for refusing; that two watches were sold to them by men in United States' uniform, as will appear by the statements of Lieutenant Strout and Sergeant Atkinson, and nothing else.

Hoping that this Report is satisfactory we subscribe ourselves, &c.

(Signed) CHARLES H. DOUGHTY, *Captain and Provost Marshal.*
EDWARD S. MORRIS, *Commissioner.*
CHAS. W. THOMAS, M.D., *Surgeon.*

Inclosure 4 in No. 9.

Statement of J. W. Collins.

MY name is John W. Collins. I am a recruiting officer for the city of Portland. On the morning of the 10th day of March I received information from Police Officer William Foster that if I would go up to the watch-house it was his impression that there was a man there in cell No. 5 who was desirous to enlist. I went to the cell No. 5 about 9 A.M., and asked the man if he wished to enlist. He told me he did, but would not in prison. This was Thomas Tulley. He represented himself from the county of Galway, Ireland. I said to him he would not be asked to enlist in prison: you are strangers and Irishmen, and far be it from me to take any advantage of you. Tulley then said he would come out, and did come out of his cell, walked about to the other cells for about half an hour, talking with his companions. He went back into the cell and said he would not enlist. He asked me what would be done with him. I told him I could not tell him. I then went to the Mayor's office, found there the City Marshal, J. S. Heald, and the Mayor of Portland. I said to Mr. Heald the men imprisoned were under the impression they were prisoners, and would not enlist. I thought if they were set a liberty I could enlist some of them. Mr. Heald said, I have no objection for you to take the men and do the best you can with them. The Mayor said he would not have the impression go abroad that we coerced men to enlist in the city of Portland under any consideration. The Mayor and Mr. Heald (the Marshal) told Police-officer Cole to go down and liberate the men. He did so. The men were going out the back door. I told them no, that was the watch-house door; come upstairs, out through the City Building, at the front door. They did so. The men were perfectly sober. They told me they were dry and hungry. When they came out of the front door I said to them, There, men, you are at liberty to go where you please, but if you are desirous of enlisting give me the preference; I will do as well by you as any other recruiting agent will; I will guarantee that you have every cent that belongs to you. I showed them where the recruiting-office was that I kept. Thomas Tulley, James Higgins, and Michael Byrne followed me down and went in. They wanted some liquor. I said to them that I had taken solemn oath that I would not give any man as much liquor as would write his name to any man to induce him to enlist. I repeated this to them several times. After they found that I would not furnish them with liquor they consulted among themselves for about half an hour, and asked me to fill their papers. Tulley signed them first, then Byrne, then Higgins. They enlisted about half-past 11 o'clock in the forenoon. From the time they were discharged till the time they were enlisted they were perfectly free to come or go where they chose. If they had wished to see the British Consul they had perfect freedom to do so. If they had asked me to accompany them to the British Consul I should have done so. I took the three men up to the Provost Marshal's office. Tulley and Higgins were accepted. Byrne was at first rejected for a bunch on his foot, but he was very anxious to go; said he had been in the British service, and his foot did not trouble him.

The Board of Enrolment consulted together, and with Captain Lane of the 20th Regiment, and finally accepted him, and he was mustered in with Tulley and Higgins.

(Signed) JOHN W. COLLINS.

State of Maine, Cumberland, ss., April 1, 1864.

Personally appeared John W. Collins, above-named, and made oath to the truth of the statement by him signed before me.

Signed before me,
(Signed) EDWD. S. MORRIS, *Justice of the Peace.*

Inclosure 5 in No. 9.

Statement of John M. Todd.

MY name is John M. Todd; I reside in the city of Portland; am a recruiting officer. On the 9th day of March, while I was at dinner, about 12 o'clock, a serjeant and one other man came to my house and informed me they could bring me some men. When I went to my hair-dressing rooms, on Middle-street, I found them with Edward Cassidy, Thomas Burke, and Michael Moran. I enlisted, about 10 o'clock P.M., Burke and Cassidy. They were not intoxicated at the time. Moran refused to enlist at that time. I gave him my business-card that he might know where to go if he wanted to enlist afterwards. After Burke and Cassidy enlisted they went out with Sergeant Stewart and Robert Curran, and I did not see them again till half-past 3 o'clock, when Cassidy and Burke came back and wanted to go up to the Provost Marshal's Office and be examined. Cassidy was quite drunk. Burke was somewhat intoxicated when they came back. I went there with them.

The surgeon made a partial examination of Burke; Cassidy was so drunk that he would not examine him. Cassidy was so noisy that one of the police said he should arrest them if they went out into the street. They went below in the same building to the Police Office, and were locked up in the cells. Burke was not so drunk as Cassidy, but said he would not be separated from him; but if he was put in the lock-up he would go too. The next morning Robert Curran came to my shop and said the police wanted to see me at the office to take those men out. I went up to the cells; a man spoke to me and said, there is the man I agreed to go with, I have got his card. And he took the card I gave him out of his pocket. This was Moran, who was in my shop the day before. I took out the three men. I took Cassidy and Burke to the Provost Marshal's Office; they were examined and mustered. Moran went down to the shop; he enlisted there, came back to the Provost Marshal's Office, was examined and mustered. Moran was enlisted as soon as he got down to my office from the cell.

The afternoon of the 10th Martin Hogan was brought to me by Sergeant Stewart for enlistment. He was perfectly sober when he enlisted. I took him to the Provost Marshal's Office; but the Provost Marshal would not muster that afternoon, as he mustered men in the forenoon. Sergeant Stewart took him to the camp and kept him over night. Brought him to the Marshal's Office in the morning of the 11th, when he was mustered into service.

(Signed) JOHN M. TODD.

State of Maine, Cumberland, ss., April 1, 1864.

Personally appeared John M. Todd and made oath to the truth of the above statement.

Before me,
(Signed) EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 6 in No. 9.

Statement of H. G. Cole.

MY name is Harrison G. Cole. I am one of the police officers of the city of Portland; I have charge of the Station-house. I had charge of the station house on the 9th and 10th days of March, 1864, during the day. Deputy Marshal Wentworth had charge of the Station-house during the night of the days above-mentioned. My duties

cease at 6 o'clock P.M., and commenced in the morning at half past 7 or 8 o'clock. On the afternoon of the 9th of March about half past 5 o'clock Edward Cassidy and Thomas Burke were brought to the Police Office by John M. Todd, a recruiting officer. One of them, I think Burke, was very drunk, the other was somewhat intoxicated—considerably so. Mr. Todd came to me before he brought the men, and said they were so drunk they would not examine them that afternoon, and asked me if I would lock them up and keep them till they were sober till the next morning. I understood him to mean that they would not be examined in the Provost Marshal's Office while they were drunk. I hesitated. I asked him where the men were. I told him if he would bring the men to me I would see whether I would lock them up or not. If they were drunk I would lock them up. He brought in Cassidy and Burke. I saw that they were both too drunk to be in the street. I told him I would lock them up and did. I saw no more of these men that night. Todd had no access to them that night, and no one else outside of the Police Office. Between half-past 8 and 9 the next morning Todd called for these men. He said he had enlisted these men on the day before and wanted them. He said they got drunk after he enlisted them. He claimed that he had enlisted them. He claimed that he had enlisted Mr. Moran, who was in the lock-up arrested by the police, and insisted upon taking him out. He produced before me a sergeant who he said brought the men to him to enlist. I discharged Moran and Cassidy and Burke, and he took them away. I think he shewed me enlisting papers, am not sure. They did not ask for food or water to my knowledge the evening they were locked up. The next morning between 8 and 9 o'clock I gave all the prisoners in the lock-up water myself several times, and crackers to all who wished. I do not recollect particularly about Moran, Cassidy, and Burke, whether they had food or not. They were discharged earlier than the other prisoners. These men would have been discharged by me by 10 o'clock in the morning if Todd had not called for them in company with the sergeant. They were taken charge of by me simply for the peace and order of the city, and for the safety of the men themselves. Thomas Tulley, Michael Byrne, and James Higgins, were brought to the office by the police on the afternoon of the 9th of March, between the hours of 12 and 3 o'clock. I was not in the office when they were brought in, but I saw them after they were locked up. They were very drunk and noisy. One of them was almost a maniac; he broke up the bucket in his cell and was very noisy. All of them were crazy drunk. No one outside of the office had access to them that afternoon, to my knowledge. I do not now remember that I gave them any food that afternoon. I gave them water several times. They did not ask for food. I think they asked for water. The next morning I went around, and gave them water and gave them crackers. Some of them refused to take the food offered—said they wanted breakfast. I replied to them that was the fare that the prisoners had. Before their discharge some of them expressed a wish to go on to Boston; some of them asked me what would be done with them as a punishment. I told them if they were brought before the Court they would be fined in sterling money about 17. 10s. They replied to me they had no money. I told them if their agent would not pay their fine, they would be liable to imprisonment for thirty days; such is the law in such cases. A little after 9 o'clock, in conversation with Deputy Marshal Wentworth, I learned those men were not to be put before the Court. Something was said in the office, not in presence of the men, that some of them wished to enlist. Mr. Collins, a recruiting officer, came in, and asked me if there was not some men there who wanted to enlist. I replied I did not know whether there was or not. He asked me if he should go in to speak with the men. I told him I had no objection. He went in and talked with the men. I asked him what success he had. He said one wanted to enlist. I asked which one it was; he pointed out the man; I do not know which one it was; I am not positive, but think it was Higgins. I went to the man, and asked him if he wanted to enlist. He said he might as well enlist here as go to Boston and enlist. I gave him all the facts in relation to the bounty he would get. He said he wanted to get out of the place he was in; did not want to enlist there at any rate. I told him he could not enlist there at any rate. Then there was something said about what would be done with them if they did not enlist. I told them they probably would be holden there till their agent came for them at half-past 12 train. I had some conversation with the Deputy Marshal about turning them out. This man seemed to be anxious to enlist, and I discharged him after conversation with Deputy Wentworth. He went to the other men, and tried to persuade them to enlist. Finally some of them concluded to enlist. I told them they would not be forced to enlist if they were discharged. The men were all uneasy and wanted to get out. After further conversation with the Deputy, I discharged these men out of the cells, every one of them. I unlocked the cells of the whole of them; told each one of them that they were at liberty to do as they chose, only not to get drunk again and be brought

back to the office. Then I showed them the way out; this between 10 and 11 o'clock A.M. Not one of these men have since been brought back to the police office except Michael Moran, who was arrested on suspicion as a deserter on March 11, at a house of ill fame in this city. Mr. Huse, a special agent from the Provost-Marshal's office, took him out of the lock-up March 12.

(Signed) HARRISON G. COLE.

State of Maine, Cumberland, ss., April 1, 1864.

Personally appeared Harrison G. Cole above-named, and made oath to the truth of the statement by him signed.

Before me,
(Signed) EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 7 in No. 9.

Statement of J. H. Bewick.

MY name is James H. Bewick. I am one of the police officers of Portland. I was the first officer present at the Grand Trunk depôt on the 9th of March, at the time of the riot of the steerage passengers of the "Nova Scotian." I was sent for by the agent who brought over the men: was on the ground as early as 11 o'clock A.M. Mr. Floyd, who came after me, said that the agent wanted to keep the men from getting liquor. The most of the men were in Peter Bradley's liquor-shop. I went in Bradley's shop to look after the agent. I should think there were from twenty-five to forty in the shop; some were drinking—some were eating crackers and cheese. I did not find the agent. I stopped a few minutes—came out of the shop. The crowd appeared to gather around the shop of Bradley. I went from thence to the passenger depot of the Grand Trunk Railway. I found the men there talking; one of them asked me if something could not be done to shut up the rum-shops (meaning P. H. Bradley's and others); that they were raising hell with the men. This man appeared to be an Englishman; from his conversation I supposed him to be one of the passengers who came in the same vessel.

Mr. Floyd pointed out the agent to me, who wanted me to assist him in keeping his men together till the train was ready for Boston. While we were talking, two or three men came up to him and wanted him to give them some liquor; he said, "No, not now; but after we get things righted we will see about it." While talking with him, some one called out for a fight. I made my way into the crowd and separated those men who were fighting. I went home to dinner for a few minutes; got back about half-past 12, and found a large number collected; then several other policemen were present. There was a great uproar. We tried to restrain them—put some of them into the freight depôt to keep them.

The great object of Deputy Marshal Wentworth and the police force was to keep them quiet, and get them off to Boston as quietly as possible. While in Mr. Bradley's there were two or three well-dressed men, I do not know their names but have seen them in this city, who appeared to be liberal with their money. These men were not drinking themselves, but the emigrants were. I saw a man, who said he was from Augusta, who appeared to be talking with the men out on the railroad track. This man said to me he was a recruiting officer, and wanted some of my help to get some of the men. I told him the police had nothing to do with business of that kind. He insinuated to me that if the men wanted liquor to aid them in getting it. I told him, no; that I did not drink myself and would not assist in procuring any for the men.

I saw no one that I knew to be connected with recruiting for this city or vicinity present during the riot, except Mr. Floyd. I do not know that Mr. Floyd is a recruiting officer. The next day I saw John W. Collins enlist Thomas Tulley, Michael Byrne, and James Higgins. They were down at Mr. Collins' recruiting office. Collins asked them if they were ready to enlist; they said they were: they were perfectly sober, and signed the papers voluntarily. During the night before they enlisted the next day, I furnished the prisoners with water and food, and had conversation with Tulley. He asked me if many of his countrymen were in the army. I told him there were. He said he came over here to fight. I asked him for what. He said it did not make a damn's difference to him whether for the North or the South; he would go where he got the most money. At 12 o'clock that night I gave Thomas Tulley five crackers and water. I gave the other prisoners water and crackers at the same time.

It is contrary to the rules of the office to refuse water or food to any prisoners

whenever they call for it. We can hear the prisoners talk or shout from the cells into the police rooms, so that if any one should call they can be easily heard by the police.

After these three men signed the enlistment papers they came up to the new city building, and before they went into the Provost-Marshal's room to be mustered, they wanted to go to the police-office in the same building, and see if any others would enlist. They went down and went in with them, and Tulley tried to persuade others to enlist, but none of them did enlist.

(Signed)

JAMES H. BEWICK.

State of Maine, Cumberland, ss., April 4, 1864.

Subscribed and sworn to.

Before me,

(Signed)

EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 8 in No. 9.

Statement of A. Wentworth.

MY name is Alonzo Wentworth. I am one of the Deputy Marshals of the city of Portland. About 1 o'clock P.M. the 9th of March, my attention was called down to the foot of India Street, near the Grand Trunk Depot. I found when I arrived there, there was a large crowd. I found several men intoxicated. The police force arrested seven or eight men. They were fighting with each other, and with any one that came along. They were brought to the watch-house. Four of them were brought upon a team; two of the four were dead drunk and two were fighting each other. They were put into the lock-up in separate cells. I had charge of the "station-house" that night. No one had access to any of the prisoners during the night, to my knowledge, except the police. I made the records in the office. Thomas Tulley, James Higgins, Michael Moran, and Michael Byrne were brought up in the cart. One of them resisted the officers in their attempts to arrest the men. He had been drinking, but was not so drunk as the rest. I think this was Moran. About 8 o'clock the next morning Mr. Todd, the recruiting officer, came up to the office. He wanted to go in and talk with the men. I told him he could not till I made my morning return. I went into the cells and saw the prisoners. Some of them asked me what was going to be done with them. I told them they would remain there till their agent came back from Boston in the noon train. After that Mr. Collins came up and wanted to go out. He went out, came back, and said there was one that wanted to enlist. He said he would like to take him down to his "recruiting office." I told Mr. Cole to go and let him out. I think this was about half-past 9. He took him out; was gone one half or three-quarters of an hour, when Mr. Collins and the man that I had discharged wanted to go in and see the others who were in the cells. They both went into the place where the men were, stopped perhaps fifteen minutes, then came into my office. Mr. Cole soon came in; said the men were very uneasy and wanted to get out. I told him to go and let them all out. I think they were let out about half-past 10 o'clock. When they came into the office I told them they were free to go where they chose. Not one of them was enlisted while in or about the office. They had crackers and water, the same as other prisoners get. They asked for water frequently, and received it. Mr. Collins spoke to me, and wished to go in and see them in the evening. I would not permit him to, as they were too drunk. After they were once taken from the cells they were not taken back again.

(Signed)

ALONZO WENTWORTH.

State of Maine, Cumberland, ss., March 31, 1864.

Personally appeared Alonzo Wentworth, and made oath to the truth of the above statement, by him signed

Before me,

(Signed)

EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 9 in No. 9.

Statement of W. Foster.

MY name is William Foster; am one of the police of the city of Portland. I arrested the man who was put into the cell No. 5 of the watch-house. While we were coming from the place of arrest near the depôt of the Grand Trunk Railway to the watch-house, he said he wanted to enlist. I told him he was too drunk to enlist. This was on the afternoon of the 9th of March, and this man was one of the passengers of the steamer "Nova Scotian." I saw nothing of this man after he was put into the cell till 7 o'clock the next morning. He then asked me for water. I gave him some, and all other prisoners that were in the lock-up. After he got through drinking the water, he asked me how long they would have to stay in there. I told him they would most likely get out by 10 o'clock. I asked him if he was going to Boston to work on the railroad. He told me he should not go with that agent any further. I asked him what he thought of doing. He said he should go into the army if he got a chance. I told him that he could get as good a chance here in the army as anywhere. He asked me what the bounty was. I told him if he should enlist here, pass the surgeon, he would get 200 dollars down. I told him he would get 100 dollars or more before he left the State. He wanted to know where he could go to enlist. I told him there were plenty of recruiting officers where he could enlist. I told him as soon as he was discharged he could go down by the post-office, and there were several recruiting offices there; or if he wished me I could send to him one of his brother countrymen. He wanted me to send him, and I sent him to John W. Collins. I have not seen the man since.

(Signed) W. FOSTER.

State of Maine, Cumberland, ss., March 31, 1864.

Personally appeared W. Foster, and made oath to the truth of the above statement, by him signed

Before me,
(Signed) EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 10 in No. 9.

Statement of W. Irish, T. Beals, C. Williams, and M. Akers.

THE undersigned members of the police of the city of Portland testify, depose, and say, that we were present on the 9th day of March, 1864, as the police force under Deputy Marshal Alonzo Wentworth at the riot of the steerage passengers from the steam-ship "Nova Scotian," near the Grand Trunk Depôt, and we made the arrest of Thomas Tulley, Michael Bryne, James Higgins, Michael Moran, and other passengers. We further state that we carried the persons arrested into the depôt of the Grand Trunk Railway, and tried to keep them quiet there, until the train should come along to go up to the Boston depôt, that they might proceed to Boston in the train which leaves about half-past 2 o'clock P.M. We kept them there about an hour, but they were so boisterously drunk that we were obliged to carry them to the station-house for safe keeping. Four of the number were taken there on a cart.

(Signed)

WILLIAM B. IRISH.
THOMAS P. BEALS.
CHARLES H. WILLIAMS.
MUHLON AKERS.

State of Maine, Cumberland, ss., April 2, 1864.

Personally appeared the above-named William B. Irish, Thomas B. Beals, Charles H. Williams, and Muhlon Akers, and severally made oath that the above statement by them signed is true.

Before me,
(Signed) EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 11 in No. 9.

Statement of J. Bradley, Jun.

I, JAMES BRADLEY, Junior, testify and say that I keep a public-house or hotel on the corner of India and Commercial-street, near the depôt of the Grand Trunk Railway. I was present the 9th day of March at the time of the riot of the steerage-passengers of the steam-ship "Nova Scotian." Several of the passengers came into my place at about half-past 10 o'clock in the morning, and wanted something to eat. I went up into the dining-hall. They ordered whatever they wanted. I stayed there five or ten minutes, and then went down to the first-floor again, and stayed a few minutes. The man who had the charge of the dining-hall called to me to come up and bring some silver change. I then went up to the dining-hall. They paid their bills in silver and gold, most of it English silver and gold coin. They did not call for any liquor. I have not charge of the bar. They drank with their food tea and coffee. Before the passengers came around my place between 8 and 9 o'clock A.M. a man came into my shop, and bought a demijohn of whiskey. He carried it towards the wharf where the steam-ship lay. This man was a Canadian. He told me so. I have seen him before. Don't know his name. I saw no recruiting officers or any one else pay for or order any liquor for the Irish passengers. I know all the recruiting officers. After I came down stairs the second time I saw quite a crowd in and about the bar-room. I ordered them out, and closed the doors. I asked the police officers and others to clear the side walks. I should think some of these passengers had been drinking considerably when they first came.

(Signed)

JAMES BRADLEY, Jun.

State of Maine, Cumberland, ss., April 1, 1864.

Personally appeared James Bradley, Junior, and made oath to the truth of the above statement, by him signed

Before me,

(Signed)

EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 12 in No. 9.

Statement of Lieutenant F. H. Strout.

I, LIEUTENANT F. H. STROUT, testify and say that I am on duty at the Provost-Marshall's Office in Portland. A part of my duty is to take charge of recruits after they are mustered, and see that they are properly clothed with United States' uniforms. I clothed Thomas Tulley, Michael Byrne, James Higgins, Edward Cassidy, Thomas Burke, and Michael Moran, on the 10th day of March, and Martin Hogan on the 11th. While in the clothing-room Michael Moran remarked to me that he was going out about town after he was uniformed. I told him he could not go unless a guard went with him—this is the common custom with all recruits. He asked me if I would go with him. I told him I would after I had got through with my work and had time. I went down town with him; went to W. J. Gillman's, jeweller's store. He then bought a watch and chain of Mr. Gillman. He paid 23 dollars for the watch and chain; it was a patent-lever silver-cased watch, full jewelled, and plated chain. Then I went with him to a merchant-tailor's shop. He then bought some collars, a pair of suspenders, and, I think, some other things. Then I returned with him, put him into the guard-room that adjoins the Provost-Marshall's Office, and delivered him into the charge of Serjeants Atkinson and Record, who take charge of the recruits until they are sent to the camp at 4 P.M. When I came back with him one of the other men looked at his watch, and made a remark that he would like a watch. I told him I had a watch similar to that, if uot better; I would sell it to him if he wished to buy. I showed it to him; he asked me the price. I offered it for 25 dollars, watch and chain. He bought it of me, and I delivered the watch to him. I don't know his name.

(Signed)

FREDERICK H. STROUT.

State of Maine, Cumberland, ss., March 31, 1864.

Personally appeared Lieutenant F. H. Strout, and made oath that the above statement, by him signed, is true.

Before me,

(Signed)

EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 13 in No. 9.

Statement of Sergeant S. D. Atkinson.

I, SAMUEL D. ATKINSON, a sergeant of the 12th Maine volunteers, testify, depose and say that I am on duty at the Provost Marshal's Office at Portland with Sergeant Record. I was on duty the 10th day of March when Tulley, Byrne, Higgins, Moran, Cassidy, and Burke were mustered in. That day there were twelve men mustered into service; seven of them were Irishmen, the others were Yankees. One of them asked me what I would take for my watch. He commenced the conversation about the trade. I told him I would take 24 dollars for watch and chain. He paid me that sum. I do not know whether it was a Yankee or an Irishman. I went down town with one of the Irishmen who wanted to buy a watch; he bought one at Merrill's, jeweller's shop, and paid 24 dollars for watch and chain: this was just such a watch as I sold the first man. One of the other men came to me, and wanted me to go out and buy him one. I went to Merrill's and bought him a watch just like the other two, and paid the same price. I could not identify either of those men if I should see them.

(Signed) SAMUEL D. ATKINSON.

State of Maine, Cumberland, ss., March 31, 1864.

Personally appeared Samuel D. Atkinson above named, and made oath to the truth of the statement, by him signed

Before me,
(Signed) EDWARD S. MORRIS, *Justice of the Peace.*

Inclosure 14 in No. 9.

Statement of Sergeant A. C. Record.

I, ALEXANDER C. RECORD, a Sergeant of the 12th Maine Regiment, testify and depose and say that I am on duty at the Provost Marshal's office at Portland. My duty is to take charge of recruits who are mustered at the Provost Marshal's office. Serjeant Samuel D. Atkinson is on similar duty at the same place. I was on duty the day that Tulley, Byrne, Higgins, Moran, Cassidy and Burke were mustered the 10th day of March, and Hogan on the 11th. I sold no man any watches or jewellery, or any other things. I saw no watches or jewellery sold by any person to any of these recruits. No person to my knowledge was admitted to the room with anything to sell.

(Signed) A. C. RECORD.

State of Maine, Cumberland, ss., March 31, 1864.

Personally appeared Alexander C. Record, and made oath to the truth of the above statement, by him signed

Before me,
(Signed) EDWARD S. MORRIS, *Justice of the Peace.*

No. 10.

Lord Lyons to Earl Russell.—(Received May 9.)

My Lord,

Washington, April 25, 1864.

I HAVE the honour to transmit to you copies of two notes respecting the enlistment in the United States' army of the Irish passengers by the steam-vessel "Nova Scotian," which I have addressed to Mr. Seward, in obedience to the instructions contained in your Lordship's despatches of the 31st of March and of the 5th of April. I have also the honour to inclose a copy of a communication from Mr. Seward bearing the same date as my second note, and sent off before Mr. Seward received that note. It incloses a copy of a letter from the War Department stating that there seems to be no doubt that Thomas Tulley and the six other men enlisted at Portland were legally enlisted and held to service, and that therefore their discharge is not recommended.

This statement is founded on the Report of the Board of Enrolment at Portland, a copy of which was sent to me by Mr. Murray, Her Majesty's Consul at Portland, and transmitted by me to your Lordship with my despatch of the 19th instant. As I

had the honour to state to your Lordship in that despatch, the Report does not appear to me to be conclusive as to the men's having been fairly dealt with ; nor, indeed, do I think that, on the face of it, it quite warrants the conclusions drawn from it by the War Department. It is, moreover, founded in a great measure on the depositions of the policemen and recruiting agents, who are themselves the persons accused of having been chiefly concerned in procuring improperly the enlistment of the men. Mr. Murray bears testimony to the good faith of the members of the Board of Enrolment in conducting the inquiry, and to their earnest endeavours to obtain full and trustworthy evidence. Otherwise some exception might be taken to the selection of them to investigate the matter, for they appear to have been themselves so much concerned with the final enlistment of the men that they could hardly be acquitted of all blame if the enlistment was improper.

Taking all these circumstances into consideration, I have thought it right to address a third note to Mr. Seward, in which I have asked for a further investigation, and have urged that the men ought to be heard themselves in answer to the evidence contradicting their statement, and in which I have, moreover, earnestly requested that they may not be exposed to meet the enemy in the field until the lawfulness of their enlistment is more satisfactorily proved.

I inclose a copy of this third note, and also copies of a letter which I have received from Thomas Tulley, and of a letter which I have written to him. He is now in hospital at Washington, and has already been at the Legation. I have sent for him again ; he is very intelligent, and will probably be able to throw some light on the cases of his companions, as well as on his own case.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 10.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 22, 1864.

I HAVE the honour to inform you that I have received instructions from Her Majesty's Government to call your attention to the practices employed at Portland and Boston to induce the Irish passengers by the steam-vessel "Nova Scotian" to enlist in the United States' army, and that I am particularly directed to request that you will cause an inquiry to be made respecting the proceedings of the man named Phoeny or Feeny.

Having already had the honour to address you on this matter in my notes of the 19th ultimo and 7th instant, in anticipation of the instructions of Her Majesty's Government, I will content myself on the present occasion with simply recommending it once more to the serious consideration of the Government of the United States.

I have, &c.
(Signed) LYONS.

Inclosure 2 in No. 10.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 23, 1864.

WITH a note dated the 19th ultimo I had the honour to transmit to you a copy of a despatch from Her Majesty's Consul at Portland, recounting the circumstances under which seven Irishmen, who were brought to this country by the man named Feeny or Phoeny on board the steam-vessel "Nova Scotian" were induced to enter the military service of the United States. Her Majesty's Government conceive that, if the information given to Her Majesty's Consul was correct, the enlistment of these Irishmen was manifestly improper, and Her Majesty's Government have accordingly directed me to apply to the Government of the United States for their release.

Having thus acquitted myself of the duty prescribed by the instructions of Her Majesty's Government, I deem it right to revert to the applications which I made to you, in anticipation of those instructions, on the 19th ultimo and on the 7th and 8th instant, and to beg you to inform me, without delay, where the seven men now are, and what measures have been taken by the United States' Government with regard to them.

I have, &c.
(Signed) LYONS.

Inclosure 3 in No. 10.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, April 23, 1864.

RECURRING to your communication of the 19th ultimo respecting the case of Thomas Tulley and six others alleged to have been improperly enlisted in the army of the United States, I have the honour to inclose, in reply, a copy of a communication from the War Department of the 18th instant, and to be, &c.

(Signed)

WILLIAM H. SEWARD.

Inclosure 4 in No. 10.

Mr. Dana to Mr. Seward.

Sir,

War Department, Washington, April 18, 1864.

THE Secretary of War instructs me to transmit to you the inclosed copy of the report of the Adjutant-General relative to the cases of Thomas Tulley, Michael Byrne, James Higgins, Edward Cassidy, Thomas Burke, Michael Moran, and Martin Hogan, alleged to be British subjects, and to have been improperly enlisted in the United States' army, which cases were the subject of the communication of the 19th ultimo from Lord Lyons, a copy of which accompanied your letter of the 27th of same month.

I have, &c.

(Signed)

C. A. DANA, *Assistant Secretary of War.*

Inclosure 5 in No. 10.

Report.

Adjutant-General's Office, Washington, April 14, 1864.

THE Secretary of War refers communications of Lord Lyons in relation to Thomas Tulley, Michael Byrne, James Higgins, Edward Cassidy, Thomas Burke, Michael Moran, and Martin Hogan, alleged British subjects, improperly enlisted in the United States' army.

From the Report of the Board of Enrolment, Portland, Maine, it appears that these men had but just landed from an emigrant vessel, and expressed a desire to enlist, and that when enlisted, examined, and mustered, they were all sober. That some were refused examination while intoxicated, and were subsequently, when sober, presented and passed. That they voluntarily enlisted, and never objected to the performance of any duty assigned them. The examination appears to have been most impartial and thorough, and from the facts adduced, there seems no doubt that they were legally enlisted and held to service, and their discharge is therefore not recommended.

(Signed)

SAMUEL BRECK, *Assistant Adjutant-General.*

Inclosure 6 in No. 10.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 25, 1864.

A FEW hours after I addressed to you my note of the day before yesterday's date respecting the enlistment of the seven Irish passengers who arrived at Portland in the packet "Nova Scotian," I had the honour to receive your note of the same day on the subject.

In the letter from the War Department, a copy of which is appended to your note, it is stated that it appears from a Report of the Board of Enrolment at Portland, that these men had but just landed from an emigrant vessel and expressed a desire to enlist; that when enlisted, examined, and mustered, they were all sober, and that they voluntarily enlisted, and never objected to the performance of any duty assigned them. It is added that, from the facts adduced, there seems no doubt that they were legally enlisted, and held to service, and that, therefore, their discharge is not recommended.

The Report itself does not accompany your note, but I have received a copy of it, and copies of the affidavits annexed to it, from Her Majesty's Consul at Portland, who was courteously invited to be present at the investigation, and who bears testimony to the good faith of the members of the Board by whom it was conducted and to their earnest endeavour to obtain full and trustworthy evidence.

I have read with great attention the report and the affidavits, but I confess that they do not appear to me to show conclusively that the seven men were fairly dealt with on their arrival at Portland, or that their enlistment was truly voluntarily. I desire, therefore, to suggest that further inquiry should be made on these points.

I will, in the first place, ask you to give your attention to the observations contained in the inclosed copy of a despatch from Her Majesty's Consul at Portland, and in the second place beg you to consider that the investigation was conducted in the absence of the men themselves, and without any communication with them. I would propose that they should be themselves examined, and be afforded an opportunity of refuting the evidence given in contradiction to their original statement to Her Majesty's Consul.

You will remember that these men landed at Portland on the 9th of last month, and that two days afterwards they addressed a letter to Her Majesty's Consul at that place, stating that they had been put into prison; that they had been unable to gain their liberation or food unless they enrolled themselves in the American service, and that they had ultimately enrolled themselves through mere compulsion or privation. This statement is no doubt contradicted in essential particulars by the evidence of the policeman and the recruiting agents; but even if this evidence be admitted to be perfectly impartial, it does not, in my opinion, show conclusively that there was no foundation for the story told by the men. On the contrary, in some points it confirms their story, and it certainly seems to me to leave at least so much doubt whether the men were entirely free agents, and knew that they were entirely free agents, as to render it proper that they should be themselves heard on the subject.

I abstain from expressing here any positive opinion on the merits of the case; but I think that I have good grounds for asking for a further investigation, and for earnestly requesting that the men may not be exposed to meet the enemy of the United States in the field, until the lawfulness of their enlistment is more satisfactorily proved.

I am the more urgent in the matter because (as I had the honour to inform you in my note of the 8th instant) five of the men have already been sent to the army of the Potomac, and one of them, Thomas Tulley, who is at present in the Finley Hospital in this city, is liable to be sent at any moment to join that army in the field.

I have, &c.
(Signed) LYONS.

Inclosure 7 in No. 10.

Thomas Tulley to Lord Lyons.

*United States' Sanitary Commission, 5th Ward, Finley Hospital,
Washington, April 23, 1864.*

My Lord,

WITH great submission and respect, I beg to bring myself again under your Lordship's notice, fully aware of the interest you have taken in my and companions' affair, subsequent to my presenting my petition. I perceived, in the Boston "Pilot" of the 16th instant, an article taken from the Portland "Argus," informing the public that the Board of Enrolment came to the conclusion that we received food and drink in prison, and that some of us enlisted of free will. Such assertions are, my Lord, untruthful, as my petition contains the real facts, and which I can prove on oath, and compel the parties who interfered with me to admit if legally investigated. To such article I sent a contradiction, but my letter has not yet appeared.

In the "New York Herald" of the 21st instant, I have seen the interest Sir A. Agnew (through your Lordship's kind interference) has taken in the matter; and may I therefore hope your Lordship will have the entrapped men of Portland, seven in number, and not forty-seven as stated in the "Herald," as being the number stated by Sir A. in Parliament to have been kidnapped in Portland.

My Lord, it is a sad thing to compel a man to soldier under such circumstances. The State acted contrary to every law, as why not take us before a magistrate if we broke the laws of America; but evidently they imprisoned us for the purpose of compelling our enlistment.

Hoping your Lordship will excuse my presumption, and trusting my perseverance will meet with success, I have, &c.

(Signed) THOMAS TULLEY.

P.S.—I expect every day to be sent to the army unless something is done for my liberation.

T. T.

Inclosure 8 in No. 10.

Lord Lyons to Thomas Tulley.

Sir,

Washington, April 25, 1864.

I SHALL be glad if you will call at the Legation to-morrow, Tuesday. If you cannot come to-morrow, I beg you to come the next day, or the day after that. About 11 o'clock in the forenoon is the time which would suit me best, but you can come earlier or later in the day if the hospital regulations interfere with your coming at 11. Pray let me know that you have received this letter; and if there is any obstacle to your coming here again, inform me at once.

I am, &c.
(Signed) LYONS.

No. 11.

Lord Lyons to Earl Russell.—(Received May 16.)

My Lord,

Washington, May 3, 1864.

THE number of British subjects who are serving in the United States' army and navy is very considerable; and complaints are constantly made to me of the practices by which the enlistment of many of them has been effected. I may say, indeed, that the most laborious and most painful and unsatisfactory part of the duties which have devolved upon this Legation, since the breaking out of the civil war, is connected with these complaints. No pains have been spared by Her Majesty's Consuls and myself in investigating them, and every effort has been made by us to obtain redress for those which have appeared to be well founded. In few cases, however, have our efforts produced any satisfactory results.

In point of form, indeed, there is little to complain of. The remonstrances addressed by me to the Secretary of State are duly acknowledged and transmitted to the War or the Navy Department. The Department orders an investigation. The recruiting agents or other officers contradict the statements made by the complainants, and affirm that the enlistments were voluntary, lawful, and correct in all particulars. I do my best to elicit the truth, and to obtain evidence. A controversial correspondence between the United States' Government and me ensues. From the nature of the case there can seldom be any evidence, except that of the recruiting officers, on one side, and the men enlisted, on the other; and commonly the United States' Government gives credence by preference to its own officers, and retains the recruits in its service.

Nor indeed is it by any means easy for me to satisfy myself as to the justness of the individual complaints that come before me. There is no doubt that some of the persons who apply to me are not entitled to British protection, that some of them have enlisted voluntarily, that some have even been in collusion with recruiting agents, and have enlisted with the intention of securing the bounties, and then obtaining their discharge by addressing this Legation as British subjects. To distinguish between cases of this kind, and those in which the complaints are well-founded, is difficult in individual instances; and it is still more difficult to obtain evidence sufficiently conclusive to induce the United States' authorities to release a recruit. But that fraud, violence, and all kinds of villany have been very generally resorted to by brokers and recruiting agents, in order to possess themselves of the immense bounties given by the Federal and State Governments for recruits, is absolutely certain.

It is particularly in the city of New York that these iniquitous practices have been prevalent. I have the honour to transmit herewith to your Lordship, a copy, taken from a newspaper, of a report made by Major-General Dix, the Military Commandant at New York, to the Chairman of the Judiciary Committee of the Senate of the State, to which are

appended extracts from a report made by the General to the Secretary of War. I will give some of the statements of the General in his own words:—

“Almost every imaginable form of outrage and deception has been developed in the cases in which Mr. Clapp was Agent for the payment of bounties. . . . In some cases boys have been seduced from their homes to secure their enlistment. In others men have been drugged, and enlisted while unconscious. . . . In short there is no artifice or fraud which has not been resorted to in carrying out this system of pillage. . . . Old men and boys, and persons labouring under incurable diseases, were in numerous instances thrust into the service under this system of public plunder, alike fraudulent to the recruits and the Government. . . . The enormous sum of 400,000 dollars has been plundered by the brokers. . . . The outrages practised on recruits are too unjust to be borne, and in some cases too loathsome to be detailed. Boys have been seduced from their families, drugged, and then enlisted. Two were so sadly drugged that they died—one on his arrival at Rikers Island, and the other on the following day.”

I have moreover the honour to transmit to your Lordship a copy taken from a newspaper, of a letter addressed to General Dix by General Wistar. The following are extracts from it:—

“There seems to be little doubt that many—in fact, I think I am justified in saying the most—of these unfortunate men were either deceived or kidnapped, or both, in the most scandalous and inhuman manner in New York City, where they were drugged and carried off to New Hampshire and Connecticut, mustered in, and uniformed before their consciousness was fully restored. . . . Nearly all are foreigners, mostly sailors, both ignorant of and indifferent to the objects of the war in which they thus suddenly find themselves involved. . . . Two men were shot here this morning for desertion, and over thirty more are now awaiting trial or execution.”

General Dix concludes his report by saying that stringent measures have been adopted, and that this whole system of fraudulent recruiting is nearly broken up, but that a great wrong has been done to individuals in the service, and that it is impossible wholly to repair it.

Sufficient time has not elapsed to show whether the fraudulent system of recruiting has, in fact, been broken up at New York, so far as the army is concerned, by the measures taken by General Dix. I do not learn that any effectual steps have been taken to put a stop to the practices, similar in their nature and equal in their iniquity, which have been resorted to by brokers and crimps at New York to obtain sailors for the United States' navy.

I ought, perhaps, to say that in the only two instances in which it has come to my knowledge that a British subject has been condemned to death for desertion from the United States' army, I have succeeded in preventing the execution of the sentence. In one case the man was ultimately released from arrest, and discharged altogether from the army. In the other, the evidence that the prisoner had been improperly enlisted did not appear to be conclusive, and I was unable to obtain his discharge from the army, but the sentence of death was, nevertheless, commuted to imprisonment.

I refrain, on the present occasion, from transmitting to your Lordship any portion of the voluminous correspondence which I have had with Her Majesty's Consuls and with the United States' Government on the cases of individual British subjects who have complained of being improperly enlisted. In justice, however, to Mr. Archibald, Her Majesty's Consul at New York, in whose district by far the greater number of the cases have occurred, and on whom they have imposed no ordinary amount of labour and anxiety, I feel bound to say at once that the correspondence shows that he has been indefatigable in his endeavours to rescue Her Majesty's subjects from the villainous practices of the recruiting agents.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 11.

Extract from the "New York Times" of April 16, 1864.

FRAUDS ON RECRUITS.—THE LAFAYETTE HALL BOUNTY BROKERS.—Hawley D. Clapp, recognized as the head and front here of bounty brokers, was arrested and sent to Fort Lafayette, where he yet remains. He addressed some time since an appeal to the Legislature for relief. The matter was referred to the Judiciary Committee, who applied to General Dix, who caused the arrest, for information on the subject. The following is the General's reply:—

"Hon. Chas. J. Folger, Chairman of the Senate Judiciary Committee.

"Head-Quarters Department of the East, New York City,

"Dear Sir,

"April 11, 1864."

"Your note of the 9th instant was received to-day, and it affords me pleasure to furnish you with the facts and circumstances attending the arrest and imprisonment of Hawley D. Clapp.

"When your note came to hand I was completing a report to the Secretary of War (a copy of which, with accompanying papers, I inclose), giving a detailed statement of the atrocious frauds committed upon recruits in this city, and particularly at Lafayette Hall, where Mr. Clapp was the principal bounty broker—one of a class of agents who were brought into existence by the system adopted by the Committee of the Board of Supervisors, for procuring substitutes, whose services were entirely unnecessary, and whose principal vocation, either by their own direct action or through confederates, was to cheat men entering the service out of their bounties. The Committee, when the frauds had become too palpable and too extensive to be borne, obviated the evil, as far as they could, by the adoption of proper precautions, but not until a military order had been issued requiring the full amount of bounty to be paid to the recruit.

"My report to the Secretary of War enters into a full detail of those transactions, alike disgraceful to those who were concerned in them and to the community in the bosom of which they occurred. Mr. Clapp received from the Committee of the Supervisors the bounties for a large number of recruits (300 dollars for each), who, as shown by testimony satisfactory to me, were cheated out of the greater part of it, by him, or the parties confederated with him in the business. As the money was paid into his hands, I consider him responsible for it; and I have deemed it my duty, whenever a clear case of fraud was made out, to see the soldier redressed, if possible.

"It is only by the summary process of a military arrest that these fraudulent transactions can be reached. If they are brought into the civil courts, all remedy is hopeless. The recruits are the only witnesses, and the exigencies of the country will not permit them to be kept from the field.

"The only alternatives, therefore, were to allow these stupendous frauds to go unredressed, to let patriotic men who are offering their lives on the altar of their country be robbed of the provisions which their fellow-citizens have made for their families, and to suffer the plunderers to escape with their ill-gotten gains, or to take, as I have done, some of the principal agents in these frauds into custody, to be held till they make restitution.

"The amounts of which recruits were defrauded at Lafayette Hall, where and while Mr. Clapp was chief broker, cannot fall short of 400,000 dollars. I have succeeded in recovering about 20,000 dollars, and am not without hopes of adding largely to this amount.

"I am fully aware of the responsibility I have taken in these cases, and that the exercise of the power of arrest is only warranted by the circumstances in which the country is placed, and the special facts which my report to the Secretary of War discloses. It has been exerted in a few cases only, and with the confident assurance in each, that I should be sustained by the Government and by the public judgment.

"Although it is technically true, as Mr. Clapp states in his petition to the Legislature, that 'he has not held at any time office under the Government, or had any contracts with the Government' itself, he stood in his capacity as bounty broker in a relation to the military service of which he seems to appreciate neither the scope nor the force.

"Lafayette Hall, in which his agency was transacted, was occupied for military purposes. It was guarded by sentinels, and the acts for which he was arrested were performed within the lines. It was for all essential purposes a camp, and he was within

it, furnished with office room, and other conveniences for himself and clerks, and engaged in paying recruits their bounties as chief broker, under an appointment, not directly from the Government, but from General Spinola, the Commanding officer. He was personally engaged in services of a strictly military character, and standing in a much nearer relation to the Government than many classes of camp followers and retainers, who are by act of Congress subject to martial law. My own judgment is strongly inclined to the conclusion that he may be tried by court-martial, and if he has not been brought before one ere this, one chief reason is, that I desired to satisfy myself by consulting the course of proceedings in analogous cases, that I should not err in holding him to account before such a tribunal for the acts with which he is charged.

"Almost every imaginable form of outrage and deception has been developed in the cases in which Mr. Clapp was agent for the payment of bounties. Men, both white and coloured, were offered employment as teamsters, wagon-masters and officers' servants, receiving from 20 to 50 dollars as 'pay in advance,' and finding themselves enlisted as private soldiers, while Mr. Clapp received from 300 dollars to 315 dollars in each case. With what confederates the money was divided, he and they only can tell.

"I have considered it enough that it was received by him, and not paid to the recruits who were entitled to it. In some cases boys have been seduced from their homes to secure their enlistment. In others men have been drugged and enlisted while unconscious. In others they have promised furloughs, and where the full bounty was not paid, they have been told that they would receive the balance as soon as they should arrive at Riker's Island. In short, there is no artifice or fraud which has not been resorted to in carrying out this system of pillage.

"In one case reported to these head-quarters by Mr. Supervisor Blunt, Mr. Clapp was compelled to make restitution, and his conduct was such that he was not allowed to transact business with the Supervisors in his own name, but continued it in the name of other parties.

"I feel convinced that no class of men would be likely to take part in these outrages upon our gallant soldiers, or sympathize with the perpetrators, unless they cherished a secret sympathy with those who are endeavouring by force of arms to overthrow and destroy the government of their country.

"Mr. Clapp has been treated since his confinement with a leniency he does not deserve. He has had the same food as the men whom he has defrauded, and is much more comfortably lodged and sheltered. His Counsel has been permitted to hold two private interviews with him, a privilege not usually granted to inmates of Fort Lafayette. I have indulged the hope that he would consent to disclose the names of others more prominent than himself, who are believed to have participated in his fraudulent gains. He is not held for this purpose alone, but with the further view to compel complete restitution to those he has wronged, when the extent of the frauds in which he is implicated shall be ascertained, and also punished, and also for trial and punishment if it shall be decided that he is amenable to a military court. It has afforded me pleasure to comply with the request of your Committee, and I earnestly hope that the disclosures I have made may lead to some legislative provisions to secure to recruits the bounties intended to be paid to them. I take the liberty of stating that in some instances the authorities of towns have of the 300 dollars raised for bounties, voted 100 dollars to the recruit, and 200 dollars to the broker or runner; a temptation to cupidity which has led to every species of unfairness, deception, and fraud.

"I am satisfied that the Legislature could never have anticipated so gross a wrong to recruits, to taxpayers, and the public service, and that suitable restraints will be imposed upon local authorities.

"I have the honour also to transmit herewith a certified copy of the order under which Mr. Clapp was sent to Fort Lafayette by Brigadier-General Stannard, commanding New York City and harbour.

"I am, &c.

(Signed) "JNO. A. DIX, Major-General."

Report of General Dix to the Secretary of War.

(Extract.)

"When I was informed that recruits were defrauded of their bounties at Lafayette Hall, I sent for General Spinola, and communicated to him the information I had received. He denied the truth of the statements, and assured me that the recruiting regulations were fully complied with; that no man was enlisted without being fully apprised of the nature of the service in which he was engaging; that no recruit was defrauded of his

bounty ; and that where a less sum than that allowed by the county was paid, it was always by voluntary and amicable agreement.

* * * * *

"Old men and boys, and persons labouring under incurable diseases, were in numerous instances thrust into the service under this system of public plunder, alike fraudulent to the recruits and the Government.

"I sent for General Spinola several times, and always received from him the assurance that all was fairly conducted by the officers at Lafayette Hall. The evidence to the contrary became so conclusive that I directed Lieutenant Cole and the contract surgeon, Dr. Kerrigan, to be arrested. They have since been tried ; the former dismissed the service, and the latter, who holds no military commission, disqualified for future employment.

"In my interviews with General Spinola I objected to the whole system of brokerage, as calculated rather to prevent rather than promote enlistments.

"General Spinola defended the system of brokerage, and said that without it 'the Government could get no recruits.' The result has been precisely the reverse. The bounty in the payment of which these frauds have been committed is that paid by the city of New York, amounting to 300 dollars per man, with a fee of 15 dollars per man to the person presenting the recruit. About 2,000 men were recruited by General Spinola. The average amount of bounty paid to them, as he stated in an explanation volunteered to Major Halpine, was about 100 dollars per man. The other 200 dollars per man has been plundered by the brokers and their coadjutors. Thus 200,000 dollars have been paid to the recruits, and the enormous sum of 400,000 dollars have been plundered by the brokers. It is one of the most stupendous frauds ever committed in this country ; it has gone for the most part into the hands of public plunderers, some of whom are of notoriously infamous character, and one of whom is known to be a convict who has been an inmate of the State prison.

"Among the men engaged in these frauds was Theodore Allen, of whom the Superintendent of Police says that his reputation with the force is that of a thief. He swears that he was well known to Mr. Brennan, the Comptroller, and the Supervisors, and that, through the friendship of the former, and the approval of the Supervisors, enlistment blanks, countersigned by one of the Supervisors' Committee, were given by the Superintendent in person to him. This man may be regarded in his leading characteristics, portrayed by the Superintendent of Police, as a type of the group of the depredators engaged in plundering recruits.

* * * * *

"I have recovered and paid over to parties thus defrauded about 20,000 dollars, and hope to secure a much larger amount.

"The outrages practised on recruits are too unjust to be borne, and in some cases too loathsome to be detailed. Boys have been seduced from their families, drugged, and then enlisted. Two were so sadly drugged that they died ; one on his arrival at Riker's Island, and the other the following day.

"Stringent measures have been adopted, and this whole system of fraudulent recruiting is nearly broken up ; but a great wrong has been done to individuals in the service, and it is impossible wholly to repair it."

Inclosure 2 in No. 11.

Extract from the "New York Herald" of April 20, 1864.

IMPORTANT LETTER FROM GENERAL WISTAR.—VICTIMS OF THE BOUNTY SWINDLERS
DESERTING IN LARGE NUMBERS.—EVILS OF THE PLUNDERING SYSTEM ON OUR ARMIES
IN THE FIELD, &c.

General,

*Head-Quarters, United States' Forces, Yorktown,
Virginia, April 15, 1864.*

AN extended spirit of desertion prevailing among the recruits recently received from the North, in some of the regiments in my command, has led me to make some inquiries resulting in apparently well-authenticated information, which I beg respectfully to communicate to you in this unofficial manner, deeming it required by humanity, no less than by our common desire to benefit the service.

There seems to be little doubt that many, in fact I think I am justified in saying the most, of these unfortunate men were either deceived or kidnapped, or both, in the most scandalous and inhuman manner, in New York city, where they were drugged and

carried off to New Hampshire and Connecticut, mustered in and uniformed before their consciousness was fully restored.

Even their bounty was obtained by the parties who were instrumental in these nefarious transactions, and the poor wretches find themselves, on returning to their senses, mustered soldiers, without any pecuniary benefit. Nearly all are foreigners, mostly sailors, both ignorant of and indifferent to the objects of the war in which they thus suddenly find themselves involved.

Two men were shot here this morning for desertion, and over thirty more are now awaiting trial or execution.

These examples are essential, as we all understand; but it occurred to me, General, that you would pardon me for thus calling your attention to the greater crime committed in New York, of kidnapping these men into positions where, to their ignorance, desertion must seem like a vindication of their own rights and liberty.

Believe me, &c.

(Signed) J. J. WISTAR.

To Major-General John A. Dix, New York City.

No. 12.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, May 19, 1864.

YOU will endeavour to impress on Mr. Seward in friendly communication the duty of putting an end to the imprisonment of British subjects, whose sole offence consists in their being on board vessels which have attempted to run the blockade. You will point out to Mr. Seward that while the Government of Great Britain perform their obligations as a neutral to a belligerent, the Government of the United States are bound to perform their corresponding obligations as a belligerent towards a neutral.

The practice of drugging men in order to procure their services in the United States' army and navy is an abuse of the most odious description, and in the case of the British subjects in question justifies the strongest remonstrances.

But I trust that Mr. Seward, unwilling to excite feelings of just indignation in this country, will put an end to both the abuses to which I have instructed you thus to call his attention.

I am, &c.

(Signed) RUSSELL.

No. 13.

Lord Lyons to Earl Russell.—(Received May 24.)

My Lord,

Washington, May 9, 1864.

WITH reference to my despatch of the 25th ultimo, and to the previous correspondence on the subject of the Irish passengers by the packet "Nova Scotian" who were enlisted in the United States' army, I have the honour to transmit to your Lordship herewith copies of further papers relating to the same subject.

Your Lordship will perceive that Mr. Seward has communicated to me information from the War Department, to the effect that the cases of Thomas Tulley and his five companions are now in process of investigation, and that a prominent officer implicated in the alleged improper enlistments will be brought to trial.

I have written to Mr. Seward to repeat the expression of my hope that the men themselves will be heard in their own cause, and that due weight will be given to their testimony. I have also reiterated my urgent request that measures may be taken to remove those of the men who had been sent to the army of the Potomac from the scene of hostilities.

Tulley has been twice at the Legation; the second time he was sent by the United States' authorities in consequence of an application from me. Among the inclosures in this despatch is a statement made by him, which distinctly contradicts in many important particulars the evidence of the policemen and recruiting agents at Portland. He has now been removed to a hospital further north. I did not receive the letter in which he informed me that he was about to be removed, in time to interpose with the United States' authorities in order to keep him here. I should however have had

no desire to do so. On the contrary, I am glad that he should be sent further from the theatre of war, and thus be less likely to be suddenly placed in the ranks of the army in the field.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 13.

Consul Lousada to Lord Lyons.

My Lord,

Boston, April 18, 1864.

I HAVE the honour to acknowledge your Lordship's despatch of the 7th instant, and to report that James Traynor, one of the Irishmen brought over by Finney, presented himself at the office to-day in military costume, and stated that he was drunk when he enlisted, and wanted me to assist him in obtaining his release. He had received thirty dollars, and believed he was to have more when the company left for active service.

His Company is Letter I, 59th Massachusetts, and I understand that the regiment goes to Annapolis on Thursday.

In answer to my questions, he said that neither himself nor his comrades had any idea of enlisting when they entrusted themselves to Finney, but really thought they were coming to work here on high wages.

I have, &c.
(Signed) F. LOUSADA.

Inclosure 2 in No. 13.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 27, 1864.

WITH reference to my note of the 22nd instant, I have the honour to call your attention to the inclosed copy of a despatch from Her Majesty's Consul at Boston reporting a statement made by James Traynor, one of the Irishmen brought over to this country in the steamer "Nova Scotian," respecting the circumstances under which he enlisted in the United States' military service.

I beg you to cause this case to be investigated in order that the man may be discharged, if it shall appear that he did not enlist of his own free will, and with a full knowledge of what he was doing.

I have, &c.
(Signed) LYONS.

Inclosure 3 in No. 13.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, April 30, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 27th instant, relating to James Traynor, a passenger to this country by the "Nova Scotian," and who is represented to have been improperly enlisted in the military service. In reply I have the honour to inform your Lordship that I have referred the case to the War Department.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 4 in No. 13.

Thomas Tulley to Lord Lyons.

My Lord,

5th Ward, Finley Hospital, Washington, April 26, 1864.

I HAVE the honour to acknowledge the receipt of your communication bearing the date of the 24th instant, and I sincerely regret that it is not in my power to go to the Embassy this day, but the doctor in charge of my ward has promised me a pass to-morrow; but should anything prevent my going there, I will be with your Lordship the following day, please God, and as soon as I can after 11 o'clock A.M.

Wishing your Lordship every happiness, I have, &c.

(Signed) THOMAS TULLEY.

Inclosure 5 in No. 13.

Thomas Tulley to Lord Lyons.

My Lord,

5th Ward, Finley Hospital, Washington, April 27, 1864.

I HAD the honour of informing you yesterday, by letter, that I would be with you this day or to-morrow, but my anticipations of such a liberty are destroyed, as the doctor this morning refused me permission to visit your residence, and has even taken my clothes away from me, as he alleges, for a breach of military regulations. Now, my Lord, this again operates against my attempt at freedom from the institution I have been compelled to become a member of. As my rejoicement was intense on receiving your letter, and now, my Lord, I am prevented from availing myself of the honour of an interview with your Lordship, my mind urges me to speak more vindictively, but refrain from doing so through respect for your Lordship, as Representative of the country where true and real liberty is only to be found.

Under the circumstances, I hope my non-attendance will not operate against me, and that, if necessary, you get an order from some Government official for my appearance before you, and if you do not require me, I beseech your Lordship to intimate to me your Lordship's opinion of the matter.

I have, &c.

(Signed) THOMAS TULLEY.

P.S.—Pursuant to your Lordship's injunctions I would have written you thus on receipt of your letter, were it not for the promise made by an American officer, which he subsequently deviated from.

I fear they will send me from here immediately if they suspect my movements.

T. T.

Inclosure 6 in No. 13.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 27, 1864.

WITH reference to my note of the 25th instant, respecting Thomas Tulley, a British subject, now an inmate of the Finley Hospital, Washington, I have the honour to state that, as I wish to communicate with this person, I should be much obliged if directions could be given either that he may be sent to this Legation from the hospital to speak to me, or that a member of the Legation may be admitted to visit him, as may be deemed most convenient.

I have, &c.

(Signed) LYONS.

Inclosure 7 in No. 13.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, April 27, 1864.

I HAVE the honour to acknowledge the receipt of your notes of the respective dates of the 22nd, 23rd, and 25th instant, relative to the cases of Thomas Tulley and six other persons, alleged to be British subjects, and to have been improperly enlisted in the army of the United States; and, in reply, to inform your Lordship that the matter has again been submitted to the Secretary of War with a view to a re-examination.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 8 in No. 13.

Statement of Thomas Tulley.

Collins' Evidence.—I told Collins I would enlist if let out of prison; but I said so thinking I would get my liberty, although I had no intention of it. On such assertion I was permitted to leave my cell, but on going out I was presented the enlistment papers by the officers of the prison, but which I refused to sign, when I was again locked-up.

When I was let out the second time Collins was ordered to bring me back unless, I enlisted, and that, in fact, he was responsible for me. Collins brought me to his office, and without any questions made out my papers, to which I partly again objected, but fearing my cell I signed the papers. Tulley suggested that he would like to see the British Consul; to which Collins replied, There is no use in your doing so, he (meaning Mr. Murray) is as much an American as any man in Portland. This occurred either in my cell or on my way to the recruiting dépôt, and previous to my enlistment.

Respecting Byrne, his desire for joining the United States' army was principally to share the same fate as Tulley and Higgins.

Had the police not been watching Tulley and his companions, he would have made his escape to the British Consul.

Harrison Cole, Police Officer.—This man states falsely when he says that on the morning of the 10th he gave Tulley, &c., crackers, as he did no such thing, although they were frequently demanded, or something in the shape of food, which was denied. Probably I am the person referred to as having been released, and doing my utmost to coerce the others to enlist. If so, such is false, as I was released and locked up again, and instead of coercing them I did my endeavours to prevent them.

No police officer told us going out of prison with Collins that we could do as we choose; but, on the contrary, one in authority told Collins to bring us back unless we enlisted.

James Berrick.—This man swears he served us with food, which is false, as he did not give Tulley or any of his companions five (or any) crackers at any time, but he gave them some water after their lungs had been strained shouting for it.

On the night of the 9th, Tulley might have expressed himself as stated, but he positively denies having uttered such words, or expressed himself in the manner sworn to on his becoming sober next morning, 10th instant, with regard to his fighting for North or South.

Alonzo Wentworth.—It is not true as stated in affidavit that we received crackers, nor is it true what he told us that we could go where we choose; on the contrary, this is, I think, the person who told Collins unless we enlisted we were to be brought back to cells.

William Foster.—Everything stated in this affidavit respecting Tulley, who was in cell No. 5, is false, as he never had such a discourse with any policeman, although something similar might have occurred in Tulley's insobriety.

Board of Enrolment.—Their belief in our sobriety when enlisting is correct. We enlisted to escape starvation, not voluntarily.

As far as I have written about myself Byrne and Higgins I can support on oath; but as far as I am concerned respecting Moran, Cassidy, and Burke, I know no more than that they were imprisoned with me, went out of prison before I did, and became soldiers under the circumstances which compelled myself, as I believe.

The man Hogan was at his liberty, but when I saw him brought in as a soldier he was raging with drink, but whether he received the drink before or after his enlistment I don't know.

Notwithstanding all the affidavits made affirming that food was supplied, and that no compulsion was in question, Tulley, Higgins, and Byrne can make an affidavit denying the entire.

April 29, 1864.

(Signed) THOMAS TULLEY, 20th Maine Regiment,
At present at No. 5 Ward, Finley Hospital, Washington.

Inclosure 9 in No. 13.

Michael Byrne and four others to Lord Lyons.

My Lord,

Rappahannock Station, April 26, 1864.

I WRITE to you in hopes of your seeking after me and my comrades who have been villainously kidnapped into the United States' army. We landed on the 9th day of March, and we were all welcomed to this country, and told us all we were a fine lot of men, and some of the agents represented themselves as Irishmen, and brought some of us to a public-house, and said to drink plenty at their expense, as they knew that we had no money, and that they expected us over a day or two sooner, but to never mind that—they should be as friends to us all, so we did drink a little. But after the second drink of the liquor, we all thought that the house was turning upside down; so we knew no more until we all were in the police-house in Portland, and in some part of the evening some of those agents came to us, and asked if we would join the army, and we one and all told them that

we would not do any such thing. So next morning they came to us again and wanted us to enlist, and we told them we would not, and also the police said we would have to stop for sixty days if we would not enlist, and we said to let us go before the magistrate or any of the authorities in the town, and the police said we would not be brought before no one, and we should have to stop where we were, if not to enlist. We asked for a drink of water, and they told us likewise that neither a drink nor nothing to eat we would be allowed to get for the sixty days. So it is for a drink of water and threatened to be starved, that we had to sign our names, but then refused to go when we got a drink of water, but they told us if we refused to do what they compelled us to do, that they would blow out our brains; so we said if we were in a strange country that we would get a little fair play, and they said a man's life would be taken, and for 23 dollars be let free, so that frightened us all. The doctor would not pass any of us. So we were sent willing or not. I refused to take 173 dollars, and I came away from Portland, and I got none of it as yet, and as for that or any of the others I don't want it at all. I and my comrades wants is our liberty. My Lord, that man Finney came to Berry camp, Portland, and maybe stopped from us 100 dollars for kidnapping us to this country. And, my Lord, if that is not plain to be seeing that this Government sent this Finney to Ireland to kidnap us to America. For which I hope the English Government will take it up. We have served in India and all Her Majesty's stations on foreign places, and I hope they may want us again in a just cause, as this is. And, my Lord, I am going to write to the War Department of England, and to state the whole case. And also Mr. Murray, the English Consul, got 100 dollars from Colonel Murrell of the 17th Maine Volunteer regiment, commanding Camp at Berry, Portland. From Thomas Burk, 20th Western (?) Virginia regiment, and when he wrote to Mr. Murray about it and about the bounty-money, he would not send a word in answer. So our real opinion is that he is bribed by the people of Portland, and the War Department and the English Crown shall know of all this.

The men that came with us from Dublin and went to Boston and snapped up by the enlisting agents was discharged by the people, and the British Consul of Boston by looking after them. So my Lord, we do now appeal to you for to get us our liberty and to go home again to our wives and family that is expecting us to do something for them. But when we were robbed out of all we had, what could we do, my Lord? We do humbly beg of you to send a letter to us as soon as possible, and seek after our rights.

We are, &c.

(Signed) MICHAEL BYRNE,
THOMAS BURKE,
EDWARD CASSIDY,
JAMES HIGGINS,
MICHAEL HORAN,

D Company 20th Maine Volunteer Regiment, Rappahannock Station.

Inclosure 10 in No. 13.

Lord Lyons to Michael Byrne and four others.

Gentlemen,

Washington, April 29, 1864.

IN reply to your letter which I received this morning, I have to inform you that Her Majesty's Consul at Portland, Maine, did all he could in your behalf, and duly reported the case to me. I have since been in communication with the United States' Government, and am now doing all in my power to have justice done to you.

I am, &c.

(Signed) LYONS.

Inclosure 11 in No. 13.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, April 30, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 27th instant, relating to Thomas Tulley, an inmate of Finley Hospital, and, in reply, to inform your Lordship that Brigadier-General Martindale has been instructed to send Tulley to Her Majesty's Legation at 12 o'clock meridian on Monday next.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 12 in No. 13.

Mr. Seward to Lord Lyons.

My Lord, [redacted]

Department of State, Washington, May 4, 1864.

RECURRING to your notes of the 22nd, 23rd, and 25th ultimo, which relate to the cases of Thomas Tulley and six other Irishmen, passengers on the steamer "Nova Scotian," who were alleged to have been improperly enlisted into the United States' army, I have the honour to inclose, in reply, a copy of a letter of the 3rd instant, from the War Department, on the subject, and to be, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 13 in No. 13.

Brigadier-General Canby to Mr. Seward.

Sir,

War Department, Washington, May 3, 1864.

THE Secretary of War instructs me to acknowledge the receipt of your letter of the 12th ultimo, respecting the cases of Thomas Tulley and six other British subjects, and inviting attention to the copy of two notes of the respective dates of the 22nd and 25th ultimo, from Lord Lyons, and suggesting re-examination of these cases.

In reply, the Secretary instructs me to advise you that they are now in process of investigation, and that a prominent officer implicated in these alleged improper enlistments will be brought to trial, the result of which will be communicated to you as soon as reported to the Department.

I have, &c.

(Signed) ED. R. S. CANBY.

Inclosure 14 in No. 13.

Thomas Tulley to Lord Lyons.

My Lord,

5th Ward, Finley Hospital, Washington, May 5, 1864.

I BEG leave most respectfully to inform you that my name has been sent in to the Medical Department, United States' Army, for transfer to some hospital northwards, but to what place I am not aware of; and we start on to-morrow (Friday). I have been warned so suddenly I could not acquaint you sooner. Should anything interfere which will prevent my going I will inform you; but if I go, on my arrival at my destination I will again write to your Lordship, unless you wish to detain me in Washington, and which, no doubt, you can should you think it necessary. The other men are in D Company, 20th Maine Regiment. It is a matter of great misfortune to me to be sent away so suddenly, and probably the matter so near investigation; still I am certain your Lordship will leave nothing undone for my benefit and the other men, all of whom have families in Ireland.

I have, &c.

(Signed) THOMAS TULLEY.

Inclosure 15 in No. 13.

Lord Lyons to Mr. Seward.

Sir,

Washington, May 8, 1864.

I HAVE the honour to acknowledge the receipt of the note dated the 4th instant, with which you have been so good as to transmit to me a copy of a letter from the War Department, stating that the cases of Thomas Tulley and the six other British subjects who are represented to have been improperly enlisted at Portland are now in process of investigation, and that a prominent officer implicated in these alleged improper enlistments will be brought to trial.

It would be satisfactory to me to know the name of the place at which the fresh investigation is in progress, and to be informed that my request that the men themselves may be heard in their own cause has been attended to.

Thomas Tulley has been questioned at this Legation, and he very positively contradicts

much of the evidence of the policemen and recruiting agents, and makes statements which confirm my opinion that no satisfactory conclusion respecting the cases can be arrived at, unless his evidence and that of his companions be taken in full and allowed due weight.

I trust also that the case of Michael Traynor (another of the Irish passengers by the "Nova Scotian"), whose enlistment formed the subject of my note to you of the 27th ultimo, will not be omitted in the investigation.

I learn that Tulley himself has been transferred from the Finley Hospital to some hospital farther north, and I am desirous of knowing where he now is. I am also anxious to learn what has become of Martin Hogan, whom I have been unable to trace. But most of all I desire to be assured that measures have been taken to give effect to the earnest request which I made that none of these men might be exposed to meet the enemy in the field until the lawfulness of their enlisting was satisfactorily proved. Five of them, Michael Byrne, James Higgins, Edward Cassidy, Thomas Burke, and Michael Horan were so lately as on the 26th of last month serving with the army of the Potomac in Company D of the 20th Regiment of Maine Volunteers. You will easily understand the anxiety with which I wait to be informed that they have been removed from the theatre of war, and exempted from actual service pending the investigation of the lawfulness of their enlistment.

I have, &c.
(Signed) LYONS.

No. 14.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, May 27, 1864.

HER Majesty's Government have considered, in communication with the Law Advisers of the Crown, your Lordship's despatches of the 14th of March and 19th of April, relative to the case of the Irishmen recently enlisted at Portland and Boston for service in the United States' army; and I have to state to you that it appears to Her Majesty's Government to be clear from these papers, and from the reports on the same subject which have been received from Her Majesty's Consuls at those ports, that no doubt can be entertained that the enlistment of these Irishmen was the result of a fraudulent scheme, contrived and executed in disregard of the laws and neutral rights of Great Britain.

Her Majesty's Government consider that the men enlisted at Portland were induced, in evident bad faith and under false pretences, to leave their own country for the purpose of obtaining employment which was not really ready for them on their arrival in the United States; that on landing at Portland they were designedly plied with drink, and that they were then dealt with in a manner which (although it might be the legal consequence of their disordered condition) made it natural and almost inevitable that they should easily yield to the persuasions of the recruiting officers, who were on the look-out for them, and who obtained access to them while in confinement, by the aid of the police authorities.

Her Majesty's Government are of opinion that, notwithstanding the report made by the Provost-Marshal and the Board of Enrolment at Portland, the facts of the case are sufficient to warrant your Lordship in pressing your application to the United States' Government for the discharge of these men.

As between one Government and another the testimony of Berwick and Bradley, annexed to the report, and very properly referred to by Mr. Consul Murray, ought to suffice for this application. The latter proves that some one (name unknown) carried a large quantity of whiskey to the wharf where the ship lay with the emigrants. It is clear that this man must have been concerned for the recruiting officers, whether they directly sanctioned the particular act or not. The former proves that at the liquor stores there were "well dressed men" who were "liberal with their money," not drinking themselves, but supplying drink to these unfortunate men, and who requested the police to aid them in enlisting the men, and giving them drink. Her Majesty's Government consider that upon this evidence and upon the general circumstances of the case, your Lordship might reasonably expect to obtain the release of these men.

The case of the men landed from the "Nova Scotian" at Portland, and afterwards transferred to Boston, although not similar in its particular circumstances, should be dealt with on the same principles.

I am, &c.
(Signed) RUSSELL.

Lord Lyons to Earl Russell.—(Received June 7.)

My Lord,

Washington, May 23, 1864.

SINCE I first became acquainted two months ago with the circumstances under which some of the Irish passengers on board the "Nova Scotian" had been enlisted in the United States' army at Portland, I have never ceased to urge the United States' Government to take measures to prevent their being brought into collision with the enemy pending the investigation of the lawfulness of their enlistment. The copies of notes to Mr. Seward which have been inclosed in my despatches to your Lordship will have shown your Lordship how often I have insisted upon this in writing. I have pressed it still oftener and still more urgently in verbal communications. My endeavours have, however, been of no avail. One of the men called at the Legation the day before yesterday. He had been badly wounded in the head, and sent back from the army to a hospital here. Another of the men had, he said, been wounded; a third was reported to be killed; three others, when he last saw them, were advancing against the enemy under a heavy musketry fire.

I went immediately to Mr. Seward, and after telling him what had occurred, spoke to him with some warmth of the neglect with which my representations had been treated, and begged him to do something at once to remove any of the men who might still be alive from the scene of hostilities.

Mr. Seward said it was certainly very unfortunate that the men should have been wounded, but that he supposed that as they had been formally enlisted in the service of the United States, the presumption was that their enlistment was valid and lawful, and that there could be no complaint against their being made to serve until the contrary was proved.

I said that considering all we knew of the practices which had been employed to obtain recruits for the army, I really thought that in cases which were on the face of them doubtful, it would not be too much to say that the presumption was the other way. But however this might be, I must, I said, urge once more my often repeated request. I did not obtain anything more from Mr. Seward than the usual formal assurance that he would communicate my wishes to the War Department. On my return home I wrote a note to him reiterating my request.

I have the honour to inclose a copy of a statement taken down in writing from the mouth of Michael Byrne, the wounded man who came to the Legation, and copies of correspondence with Mr. Seward and Thomas Tulley.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 15.

Statement of Michael Byrne.

British Legation, Washington, May 21, 1864.

MICHAEL BYRNE states that he, Thomas Burke, James Higgins, Michael Moran, Martin Hogan, and Edward Cassidy were sent from Portland to join the 20th Regiment of Maine Volunteers at Rappahannock Station on Monday the 14th of March, and that they joined that regiment on the following Friday. That on the 1st instant they marched with the regiment to the Wilderness Tavern, and encamped there on the night of the 4th. That they knew they would meet the enemy, but were afraid to make any objections as they were told if they did do so they would have their brains blown out. That he was wounded on the 5th instant on the right temple by a minie ball, and went on Sunday the 8th to Fredericksburgh, whence on Wednesday the 11th instant he was sent to Carver's Hospital, Washington, where he arrived on the same afternoon, and still is under medical treatment. That he has heard that Michael Moran was killed on the 5th instant at the Wilderness, but does not know it for certain. That Edward Cassidy was wounded in the right thumb whilst carrying him (Michael Byrne) when wounded to the rear; that Cassidy was sent from Fredericksburgh to the Brick Hospital, Washington, on Wednesday the 11th instant. That he last saw Thomas Burke, James Higgins, and Martin Hogan on the 5th of May at the Wilderness advancing under a heavy musketry fire, but that since he was wounded he has not seen or heard anything of them.

Inclosure 2 in No. 15.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, May 10, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 8th instant, in regard to the cases of Thomas Tulley and six other men represented to have been improperly enlisted at Portland, Maine. In reply, I have the honour to inform your Lordship that I have called the immediate attention of the Secretary of War to the matter, and have commended your wishes to his favourable consideration.

I have, &c.

(Signed)

WILLIAM H. SEWARD.

Inclosure 3 in No. 15.

Lord Lyons to Mr. Seward.

Sir,

Washington, May 21, 1864.

ALTHOUGH only a few hours have elapsed since I informed you in person at the State Department of the grievous intelligence which I had just received respecting some of those Irish passengers by the "Nova Scotian" who were enlisted on their arrival at Portland, I cannot refrain from urging in writing the request which I so earnestly made that measures might be taken without a moment's delay to remove those of them who are still with the army from the danger to which they are hourly exposed.

Since the 19th of March last I have urgently and repeatedly entreated, both verbally and in writing, that these men might not be exposed to meet the enemy in the field, pending the investigation of the lawfulness of their enlistment. No attention has been paid to my request. One of the men, Michael Byrne, has been wounded in the head; another, Edward Cassidy, has also been wounded; a third, Michael Moran, is reported to have been killed. Byrne and Cassidy have been sent to hospitals at Washington. Thomas Burke, James Higgins, and Martin Hogan, if still alive, are no doubt serving with the regiment in which they were enrolled (the 20th Maine Volunteers) in the field.

In the note which I had the honour to receive from you on the 4th instant, I was informed that the cases of these men were in process of investigation, and that a prominent officer implicated in their alleged improper enlistment would be brought to trial. In my answer I expressed my anxiety to be informed that my request that the men had been removed from the theatre of war, and exempted from actual service pending the investigation, had been complied with. I must again urge this often repeated request, and entreat you to move the military authorities to give orders, without a moment's delay, that those of the men who are in hospital may not be sent back to the army, and that those who are in the field may be sent to Washington, or some other place of safety, until the doubts respecting the validity of their enlistment are cleared up.

I have, &c.

(Signed)

L. LYONS.

Inclosure 4 in No. 15.

*Thomas Tulley to Lord Lyons.**Turner's Lane United States' Hospital, Philadelphia,
May 19, 1864.*

My Lord,

I TOOK the liberty of informing you on the 5th instant that I was about being sent away from Washington, and as I did not wish to be troubling you with letters, I refrained since from writing; but as I am growing very uneasy I take the liberty, as from the notice I am taking of things I fear I never will be a participator of your goodness unless something is immediately done for me, as they are sending all the men they can to the army. Will your Lordship therefore kindly let me know if there is any chance of my being discharged through your kind influence? As for the other men, I fear something fatal has

happened them ere this, as the corps they belong to has been in the hottest of the late battles. My people are in want at home, and the Portland authorities have 173 dollars of my bounty which I would like to get, but fearing it would interfere with your Lordship's proceedings, I have not applied for it, although I fear I will not have an opportunity of getting either it or my freedom if something is not shortly done. My people in a great measure depend upon assistance from me, and if your Lordship fails in getting my discharge, perhaps you would get me some Government employ by which I could assist them, and arrange so that I would not be sent to the army. I am losing my health daily on account of my uneasy mind at the position I have got into.

Sincerely praying for your Lordship's health and happiness, and hoping you will condescend to notify to me how matters stand, I have, &c.

(Signed) THOMAS TULLEY.

P.S.—The doctor here to whom I have related my unhappy circumstances has condemned the Portland authorities for their conduct, and the doctor at Washington said he would send me a good distance, so that I would not have an opportunity of seeing your Lordship.

T. T.

Inclosure 5 in No. 15.

Lord Lyons to Thomas Tulley.

Sir,

Washington, May 23, 1864.

I HAVE received your letter of the 19th instant. I have been informed by the United States' Government that a further investigation respecting the enlistment of yourself and your companions is in progress. I am very sorry to say that my endeavours to get your companions removed from the field before the opening of the campaign were unsuccessful. Michael Byrne was at this Legation the day before yesterday. He had been sent to hospital here with a wound in his head. Edward Cassidy has also been sent to a hospital here; he is wounded, but I trust not seriously.

I cannot recommend you to apply for the remainder of the bounty which would be due to you as a recruit, unless you are prepared to acquiesce in the validity of your enlistment.

If you should at any time have reason to believe that you are about to be sent back to the army, I beg you to let me know as soon as possible.

I will do all I can to obtain your discharge, and will write to you again as soon as I am able to give you any information about it.

I am, &c.
(Signed) LYONS.

No. 16.

Lord Lyons to Earl Russell.—(Received June 12.)

My Lord,

Washington, May 31, 1864.

WITH reference to my despatch of the 23rd instant, I have the honour to transmit to your Lordship copies of two notes which I have received from Mr. Seward, respecting Thomas Tulley and the other Irish passengers by the steam-ship "Nova Scotian," who were enlisted in the United States' army at Portland.

Your Lordship will see that orders have at last been given to remove these men to Portland, at a distance from the theatre of war, and to cause the legality of their enlistment to be again investigated there.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 16.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, May 26, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 21st instant, in relation to the cases of the Irish passengers by the "Nova Scotian," who were enlisted on their arrival at Portland, and in reply to inform your Lordship that I have invited the immediate attention of the Secretary of War to a copy of your Lordship's note, and have recommended a compliance with the requests contained therein.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 16.

Mr. Seward to Lord Lyons.

My Lord,

Washington, May 31, 1864.

I HAVE the honour to recur to your notes of the 7th, 8th, 22nd, 23rd, and 25th ultimo, and 8th and 21st instant, relative to the cases of Thomas Tulley and six other Irish passengers by the "Nova Scotian," and to inclose, for your Lordship's information, a copy of a letter of the 25th instant from the Secretary of War, stating that the men have been ordered to Portland, Maine, with a view to a reinvestigation as to the legality of their enlistment in the army of the United States.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 3 in No. 16.

Mr. Stanton to Mr. Seward.

Sir,

War Department, Washington, May 25, 1864.

I HAVE the honour to advise you that orders have been given that Thomas Tulley and the six others, British subjects, alleged in the communications of Lord Lyons, submitted by you to this Department, to have been improperly enlisted into the military service of the United States, be sent to Portland, Maine, with instructions that their cases be reinvestigated there, it being the point at which the alleged measures for their improper enlistment are stated to have been inaugurated, and where the proof, if any, to that effect, must exist.

I am, &c.
(Signed) E. STANTON.

No. 17.

Lord Lyons to Earl Russell.—(Received June 20.)

My Lord,

Washington, June 6, 1864.

WITH reference to my despatch of the 31st ultimo, I have the honour to inclose a copy of an order from the War Department, directing that Thomas Tulley, and the other Irish emigrants who were enlisted at Portland shall be sent back to that place in order that a thorough and final investigation of their complaint of having been improperly enlisted may be made.

I have, &c.
(Signed) LYONS.

Inclosure in No. 17.

*Special Orders No. 194.**War Department, Adjutant-General's Office,*

(Extract.)

Washington, June 2, 1864.

THE following named enlisted men of Company "D," 20th Maine Volunteers, will upon the receipt of this order at the place where they may be serving, be sent to Captain

Charles H. Doughty, Provost-Marshal, 1st District of Maine, at Portland, Maine, in order that a thorough and final investigation of their complaint of having been improperly enlisted may be made at that city.

The chief mustering offices of the State of Maine will make a full and thorough investigation of this case, and report the result with full particulars to this office.

The depositions of the men themselves will be taken during such investigation.

Privates Thomas Tulley, Michael Byrne, James Higgins, Michael Moran, Edward Cassidy, Thomas Burke, Martin Hogan.

The Quartermaster's Department will furnish the necessary transportation.

By order of the Secretary of War,

(Signed) E. D. TOWNSEND, *Assistant Adjutant-General.*

No. 18.

Lord Lyons to Earl Russell.—(Received July 2.)

My Lord,

Washington, June 20, 1864.

WITH reference to my despatch of the 6th instant, and to my previous despatches respecting the enlistment of Thomas Tulley and the other Irish emigrants who arrived at Portland in the steam-ship "Nova Scotian," I have the honour to transmit to your Lordship copies of further correspondence relative to the fresh investigation of this sad case, which has been ordered by the United States' Government.

There appears to be only too much reason to fear that Thomas Burke and Michael Moran, two of the enlisted men, were killed while serving in the ranks of the United States' army.

I have also the honour to inclose a copy of a note which I have addressed to Mr. Seward in pursuance of the instruction contained in your Lordship's despatch of the 27th ultimo. I have thought it right in this note to act upon your Lordship's instruction without reference to the new investigation which has been ordered, and to urge my request for the discharge of the men on the merits of the case, as it now stands.

I have, &c.

(Signed) LYONS.

Inclosure 1 in No. 18.

Michael Byrne to Lord Lyons.

My Lord,

General Hospital, Brattleborough, Vermont, June 7, 1864.

AS soon as the Doctor understood of me that I had any communication to your Lordship's residence, and that I refused to go from Carver's Hospital, the first opportunity was they sent me away, and did not let me know of it till half an hour before going away, my Lord, so as to prevent me of giving or sending you word of it, so as you might have me retained, until the investigation should be decided upon in our cases at Washington. I would not be let stop in Philadelphia, or in any other place, until I was sent right on to Brattleboro' General Hospital. I also thought I could get to Turner's-lane Hospital at Philadelphia to my comrade, that is, Thomas Tulley, but I could not get any such a chance as that from them. I hope, my Lord, you shall do all in your power for us, and send us word if our cases was investigated into as yet, for before I would go to my regiment again, I would put an end to my life, because I did not 'list with my consent; if I had done so, why I should be as good as any other man, and as I did not, why I shall disobey all orders they give me, for the time to come, and if through my disobedience that it shall be the cause of me to be brought before a Court-martial, there and then I shall call them nothing but a set of murderers for to go send over to my country agents to snap up a lot of men from their wives and families by way of a good employment in Boston, and then as soon as we landed in Portland, to have another lot of agents there to bring us to beer-shops and to drug us, and entrap us to enlist for their armies; but, my Lord, if death is my fate at their hands, my comrades shall let my country know of it, and the whole of what it was for, and also the Government of England, the banners I have fought under in India and other places, that they and my countrymen shall seek for satisfaction for my

blood, and strike the iron whilst it is hot, and also I do well know that France would join in it. I shall not speak no more at present.

(Signed) MICHAEL BYRNE,
D Company, 20th Regiment, Maine Volunteers.

P.S.—I shall expect a speedy answer at your leisure. Please not to put my regiment nor company in your letters to me.

Inclosure 2 in No. 18.

Lord Lyons to Consul Murray.

Sir,

Washington, June 10, 1864.

WITH reference to your despatch of the 7th of April last, and to the previous correspondence relative to the enlistment of Thomas Tulley and six other Irish immigrants in the United States' army, I transmit to you a copy of an order from the War Department, directing that these men be sent to Portland, and that a full and thorough investigation of the case be made. This order has been communicated to me by the Secretary of State of the United States.

You will endeavour to be informed as soon as possible after it takes place of the arrival of any of these men at Portland, and you will put yourself into communication with them, and give them all the advice and assistance you properly can. You will let me know as soon as the men arrive, and you will make reports to me of the nature and progress of the investigation of their case, and keep me informed generally of everything of interest and importance concerning them.

I am, &c.
(Signed) LYONS.

Inclosure 3 in No. 18.

Lord Lyons to Michael Byrne, &c.

Gentlemen,

Washington, June 10, 1864.

I INCLOSE a copy of an order from the War Department, directing that you and the six men enlisted with you shall be sent to Portland in order that a full and thorough investigation of your cases may be made there. The order has been communicated to me by the Secretary of State of the United States.

I conclude that in conformity with the terms of it you will be sent to Portland directly, and I beg you to let Her Majesty's Consul there know of your arrival there as soon as possible after it takes place. I have written to him to ask him to look out for you.

I am, &c.
(Signed) LYONS.

Inclosure 4 in No. 18.

Consul Murray to Lord Lyons.

My Lord,

Portland, June 8, 1864.

I HAVE the honour to transmit herewith a copy of a printed special order, dated the 2nd instant, issued by order of the Secretary of War at Washington, directing that a thorough and final investigation be made by the Provost Marshal at Portland, of the complaint of the seven Irishmen who were enlisted into the 20th Regiment of the Maine Volunteers in March last. A report upon the same formed the subject of my despatch of the 7th of April last.

The chief mustering officer of the State of Maine, Major Gardiner, is to send a Report to the War Department, and the men in question are to be sent to Portland to have their depositions taken.

Of the seven men, Moran and Burke, I understand, were killed at the commencement of the campaign. Byrne and Cassidy were wounded and are in hospital at Washington. Tulley, I hear, did not go on with his regiment, but went to a hospital at Washington; and Higgins and Hogan are the only two left with their regiment.

As I presume I shall also be requested to attend the office of the Provost-Marshal during the second investigation, may I request your Lordship the propriety of my being authorized to employ the services of a lawyer on behalf of these men? The assessor of the Provost Marshal here is a lawyer, and will conduct the case for the Government, and it appears to me that unless the services of a person accustomed to receive and take evidence in these Courts are obtained, the men might be under a considerable disadvantage.

I am still without further information from the office of the Acting Assistant Provost-Marshall General at Augusta regarding the man Collins, although I have written several letters on the subject, and forwarded fresh evidence of Collins' identity which I received from a Mr. James Murray of Nova Scotia.

I have, &c.
(Signed) H. J. MURRAY.

Inclosure 5 in No. 18.

Lord Lyons to Consul Murray.

Sir,

Washington, June 11, 1864.

I HAVE received this morning your despatch of the 8th instant.

Having written to you yesterday on the order to remove Thomas Tulley and six other Irishman, enlisted at the same time, to Portland, I have only to add, that, in conformity with your suggestion, I authorize you to employ a lawyer on behalf of these men, if it shall be in your opinion proper and advisable to do so.

Tulley was, when I last heard from him, in the United States' army hospital, Turner's Lane, Philadelphia, and Michael Byrne at the general hospital, Brattleboro', Vermont. I wrote to them to those places yesterday to inform them of the order, and to recommend them to apply to you as soon as they arrived at Portland. I also wrote a letter in the same sense to the other men, directed to the regiment, although I was not without serious apprehension that they might not all be alive to receive it. I am extremely anxious to receive authentic intelligence of the present condition of each of the seven men.

I am, &c.
(Signed) LYONS.

Inclosure 6 in No. 18.

Consul Murray to Lord Lyons.

My Lord,

Portland, June 15, 1864.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 10th instant, on the subject of the intended re-investigation of the case of Thomas Tulley and the other Irish immigrants who were enlisted into the 20th Maine Regiment in March last. I will faithfully attend to your Lordship's instructions in this affair.

Michael Byrne, who was removed so the General Hospital at Brattleboro', Vermont, arrived here last night on his way to Augusta with a squad of Maine invalids, but had received no orders regarding this case. He told me that Cassidy was on furlough at Boston, and would be difficult to be met with; that Tulley was at Turner's Lane Hospital at Philadelphia with erysipelas; that Burke and Moran being killed, Higgins and Hogan were the only men now with their regiment, if no accident had happened to them.

I have, &c.
(Signed) H. J. MURRAY.

Inclosure 7 in No. 18.

Lord Lyons to Mr. Seward.

Sir,

Washington, June 10, 1864.

HER Majesty's Government have considered the Report made by the Provost Marshal and Board of Enrolment, at Portland, on the case of Thomas Tulley, and the

other six Irish immigrants who were enlisted at that place for service in the United States' Army, as well as the reports of Her Majesty's Consul on the same subject.

It appears to Her Majesty's Government that no doubt can be entertained that the enlistment of these Irishmen was the result of a fraudulent scheme contrived and executed in disregard of the laws and neutral rights of Great Britain.

Her Majesty's Government consider that these men were induced in evident bad faith and under false pretences to leave their own country for the purpose of obtaining employment, which was not really ready for them on their arrival in the United States; that on landing at Portland they were designedly plied with drink, and that they were then dealt with in a manner which (although it might be the legal consequence of their disordered condition) made it natural and almost inevitable that they should easily yield to the persuasions of the recruiting agents who were on the look-out for them, and who obtained access to them while they were in confinement, by the aid of the police authorities.

Her Majesty's Government are accordingly of opinion, that notwithstanding the report of the Provost Marshal and Board of Enrolment, they are bound to press their application to the United States' Government for the discharge of these men.

It appears to Her Majesty's Government that as between one Government and another, the testimony of Berwick and Bradley, annexed to the report, of itself suffices to warrant this application. The latter proves that some person (name unknown) carried a large quantity of whiskey to the wharf where the ship lay with the emigrants, and Her Majesty's Government think that it is clear that this person must have been concerned for the recruiting agents, whether those agents directly sanctioned the particular act or not. The former proves that at the liquor store there were "well dressed men" who were "liberal with their money," not drinking themselves, but supplying drink to the unfortunate Irishmen, and who requested the police to aid them in enlisting the Irishmen and giving them drink. Her Majesty's Government consider that upon this evidence and upon the general circumstances of the case, they may reasonably expect to obtain the release of these men; and it is accordingly my duty to renew the request for their discharge from the United States' army, which I made by command of Her Majesty's Government, in the note which I had the honour to address to you on the 23rd April last.

I have, &c.
(Signed) LYONS.

No. 19.

Lord Lyons to Earl Russell.—(Received July 2.)

My Lord,

Washington, June 20, 1864.

I SPOKE to Mr. Seward on the 16th instant in the sense of your Lordship's despatch of the 19th May, respecting the imprisonment of British subjects captured on board neutral vessels, and the practice of drugging men and entrapping them into the United States' naval and military service.

I said to Mr. Seward that your Lordship had desired me to impress on him in friendly communication the duty of putting an end to the imprisonment of British subjects, whose sole offence consisted in their having been on board vessels which had attempted to run the blockade. I added that your Lordship had directed me to point out to him, that while the Government of Great Britain performed its obligations as a neutral to a belligerent, the Government of the United States was bound to perform its corresponding obligations as a belligerent towards a neutral.

I went on to speak of the numerous complaints which had been made to me by British subjects who represented that they had been drugged and enlisted, while not in a state to act for themselves, in the army or navy of the United States. Your Lordship had, I said, been unable to refrain from observing that this practice of drugging men in order to procure their service in the United States' army and navy, was an abuse of the most odious description, and that in the case of the British subjects in question, it justified the strongest remonstrance. But (I added) your Lordship trusted that Mr. Seward, unwilling to excite feelings of just indignation in England, would take measures to put an end to both the abuses, to which I had thus, in obedience to your Lordship's orders, called his attention.

Mr. Seward said that he hoped the recent order of the Secretary of the Navy* would suffice to put an end to all complaints respecting the imprisonment of British subjects captured on board neutral vessels.

With regard to the allegations that men were enlisted while under the influence of drugs or liquors, Mr. Seward said that it was not in the United States alone that such practices were resorted to by unscrupulous recruiting agents; that the complaints made were very much exaggerated, and in many instances entirely unfounded; that at all events he had reason to hope that a check had been given to these practices, and that we should hear very little more of them.

I have, &c.
(Signed) LYONS.

No. 20.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, July 6, 1864.

HER Majesty's Government approve your Lordship's proceedings as reported in your despatches of the 20th ultimo, with reference to the case of Thomas Tulley and the other Irish immigrants, enlisted at Portland and Boston for the United States' military service.

I am, &c.
(Signed) RUSSELL.

* *Mr. Welles to Rear-Admiral Farragut.*

Sir,

Navy Department, May 9, 1864.

THE following instructions will hereafter be observed with regard to the disposition of persons found on board vessels seized for breach of blockade:—

1. *Bond fide* foreign subjects captured in neutral vessels, whether passengers, officers, or crew, cannot be treated as prisoners of war, unless guilty of belligerent acts, but are entitled to immediate release; such as are required as witnesses may be detained for that purpose, and when their testimony is secured they must be unconditionally released.

2. Foreign subjects captured in vessels without papers or colours, or those sailing under the protection and flag of the insurgent Government, or employed in the service of that Government, are subject to treatment as prisoners of war, and if in the capacity of officers or crew are to be detained. If they are passengers only, and have no interest in the vessel or cargo, and are in no way connected with the insurgent Government, they may be released.

3. Citizens of the United States captured either in neutral or rebel vessels are always to be detained, with the following exceptions:—If they are passengers only, have no interest in vessel or cargo, have not been active in the rebellion, or engaged in supplying the insurgents with munitions of war, &c., and are loyally disposed, they may be released on taking the oath of allegiance. The same privilege may be allowed to any of the crew that are not seafaring men, of like antecedents, and who are loyally disposed.

4. *Pilots and Seafaring Men*, excepting *bond fide* foreign subjects, captured in neutral vessels, are always to be detained. These are the principal instruments in maintaining the system of violating the blockade, and it is important to hold them. Persons habitually engaged in violating the blockade, although they may not be serving on board the vessels, are of this class, and are to be likewise detained.

5. When there is reason to doubt that those who claim to be foreign subjects are in reality such, they will be required to state under oath that they have never been naturalized in this country, have never exercised the privileges of a citizen thereof, by voting or otherwise, and have never been in the pay or employment of the insurgent or so-called "Confederate Government;" on their making such statement they may be released, provided you have not evidence of their having sworn falsely. The examination in case they are doubtful should be rigid.

6. When the neutrality of a vessel is doubtful, or when a vessel claiming to be neutral is believed to be engaged in transporting supplies and munitions of war for the insurgent Government, foreign subjects captured in such vessels may be detained until the neutrality of the vessel is satisfactorily established. It is not advisable to detain such persons under this instruction, unless there is good ground for doubting the neutrality of the vessel.

7. Parties who may be detained under the foregoing instructions are to be sent to a northern port for safe custody, unless there is a suitable place for keeping them within the limits of your command, and the Department furnished with a memorandum in their cases respectively.

Very respectfully, &c.
(Signed) GIDEON WELLES, *Secretary of the Navy.*

3. Correspondence respecting the Enlistment of Her Majesty's Canadian Subjects in the United States' Army.

No. 1.

Lord Lyons to Earl Russell.—(Received December 26.)

My Lord,

Washington, December 15, 1863.

I HAVE the honour to transmit to your Lordship copies of a despatch from Mr. Lousada, Her Majesty's Consul at Boston, and its inclosure, relating to projects which appear to have been formed by private persons in Massachusetts for obtaining men in Canada for the naval and military service of the United States.

I have also the honour to inclose copies of despatches on the subject which I have written to Mr. Lousada and to the Governor-General of Canada.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 1.

Consul Lousada to Lord Lyons.

My Lord,

Boston, December 5, 1863.

I HAVE the honour to report to your Lordship, with view of its being communicated to the Governor-General of Canada, that a person called on me this morning for information as to the liability he should incur in attempting to raise on the Canada borders recruits for the United States' service. He was apparently largely supplied with funds, which he exhibited to me. He made no disguise as to his intentions or purposes, and only wanted to know how far the recruiting law of Canada would touch him and his partners.

On my telling him that it was illegal, and that he would have to bear the consequences, he said that he supposed it was no harm to invite men over the boundary line to have a good time at a farm on this side of it, and that there they would be free to do as they pleased. He also said he presumed there was no hindrance to his hiring Canadians for farm service, and that they need not come over the line to effect that bargain.

From other portions of his conversation, not worth repeating in detail, I am satisfied there is an organization on some large scale for enlisting British subjects in Canada, and, as far as my experience goes, those who are foolish enough to be once enticed over the line on any such pretext will find it pretty hard work to get back again out of the clutches of these recruiting gentry.

The high premium offered for recruits, and the total failure of the voluntary enlistment here, foster these schemes.

Since writing above another person (connected with the press) applied. His note and my observations thereon inclosed.

I have, &c.
(Signed) FRANCIS LOUSADA.

Inclosure 2 in No. 1.

Mr. Dunbar to Consul Lousada.

Sir,

Boston, December 5, 1863.

A COMMITTEE of the proprietors of slate quarries in Vermont intend to make an effort this winter to procure quarrymen from Wales, to supply the great deficiency of labour which now exists.

A member of the Committee writes to me to ask if I can obtain a certificate under your Consular seal that aliens not naturalized are not compelled to serve in the armies of the United States, as the apprehension of military service is believed to stand in the way of obtaining a very fair supply of labourers from the Welsh quarries.

Will you please to inform me whether you are willing to give such a certificate, and if so, when I shall call at your office to receive it?

Very respectfully, &c.

(Signed) C. F. DUNBAR.

Memorandum.

I saw writer of this same day, and distinctly declined to give any such certificate, on two grounds:—Firstly. That although there was no law holding aliens to military service in the United States, yet, practically, such service was obtained every day, and by means almost amounting to compulsion, and redress was so difficult as to be almost unobtainable. Secondly. I was perfectly aware of the use intended to be made of my certificate, and that "Wales" meant the "Canada borders."

The applicant denied this, but admitted that such use might be made of the document.

F. L.

Inclosure 3 in No. 1.

Lord Lyons to Consul Lousada.

Sir,

Washington, December 8, 1863.

I HAVE received this morning your despatch of the 5th instant concerning plans which appear to have been formed for obtaining men from Canada to serve in the United States' army. I have sent to the Governor-General of Canada copies of your despatch and of its inclosure, as well as of the memorandum which you have endorsed upon the latter; and I have to instruct you to communicate from time to time to his Excellency either directly or through this Legation, as you may deem best under the circumstances, any further information which you may be able to procure on the subject, and especially any particulars as to names, dates, places, or other matters which may assist the Canadian authorities in detecting the persons engaged in these practices and bringing them to justice.

You will of course address the Governor-General directly in all cases in which it is desirable to save time, and you will simultaneously send to me copies of your communications to his Excellency.

I approve of the course taken by you (as stated in the memorandum on the inclosure) with regard to the application made to you for a certificate as to the enlistment of aliens in the service of the United States.

I am, &c.

(Signed) LYONS.

Inclosure 4 in No. 1.

Lord Lyons to Viscount Monck.

My Lord,

Washington, December 8, 1863.

I HAVE the honour to transmit to your Excellency copies of a despatch from Her Majesty's Consul at Boston and its inclosure, which relate to plans formed in Massachusetts for obtaining men from Canada to serve in the United States' army. I inclose also a copy of the answer which I have made to the Consul's despatch.

I have, &c.

(Signed) LYONS.

No. 2.

Lord Lyons to Earl Russell.—(Received April 26.)

My Lord,

Washington, April 11, 1864.

I HAVE the honour, with reference to my despatch of the 15th December last, to transmit to your Lordship a copy of a despatch which I have received from Mr. Lousada, Her Majesty's Consul at Boston, respecting a scheme for engaging persons in Canada and Nova Scotia to come to this country as labourers, the real object of which is (as Mr. Lonsada suspects) to obtain recruits for the United States' army.

I inclose also copies of despatches on the subject which I have addressed to the, Governor-General of Canada, and the Administrators of the Government of Nova Scotia and to Mr. Lousada.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 2.

Consul Lousada to Lord Lyons.

My Lord,

Boston, April 5, 1864.

I HAVE the honour to report that some parties called at my office this morning, and stated that they were about to hire, in Canada and Nova Scotia, 300 labourers to work at some patent-brick works here, and wanted my certificate that it was a *bond fide* transaction. They feared their agent might be molested if he had not some British official paper to show that his mission was a proper one. I refused to give any such document, and did not disguise from them that it was clear to me this was one of the schemes for recruiting the United States' army, and that I should consider myself culpable if in any way, even indirectly, I aided in deluding the poor men they were going to employ in their alleged patent-brick making.

I venture to suggest that if this were brought to the knowledge of the Provincial Governments, it might be of service, and prevent some of the border people being deluded.

I have, &c.
(Signed) F. LOUSADA.

Inclosure 2 in No. 2.

*Lord Lyons to Viscount Monck.**

My Lord,

Washington, April 8, 1864

I HAVE the honour to transmit to your Excellency a copy of a despatch which I have received from Her Majesty's Consul at Boston, respecting a scheme for engaging persons in Canada and Nova Scotia to come to this country as labourers, the real object of which is (as the Consul believes) to obtain recruits for the United States' army.

I have, &c.
(Signed) LYONS

Inclosure 3 in No. 2.

Lord Lyons to Consul Lousada.

Sir,

Washington, April 8, 1864.

I HAVE received to-day your despatch of the 5th instant, respecting a scheme to engage persons in Canada and Nova Scotia to come to the United States, ostensibly as labourers, and I have transmitted copies of it to the Governments of those Provinces.

I am, &c.
(Signed) LYONS.

* A similar despatch was addressed to Major-General Doyle.

Correspondence respecting the Enlistment of British
Subjects in the United States' Army.

*Presented to the House of Commons by Command
of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA.

No. 18. (1864.)

FURTHER PAPERS

RESPECTING THE

ARREST AND IMPRISONMENT

OF

MR. JAMES McHUGH

IN

THE UNITED STATES.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:

PRINTED BY HARRISON AND SONS.

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Further Papers respecting the Arrest and Imprisonment of
Mr. James Mc Hugh in the United States.

No. 1.

Lord Lyons to Earl Russell.—(Received July 17.)

My Lord

Washington, July 4, 1864.

IT is with great pain that I find myself obliged to send off another messenger without being able to report positively that Mr. McHugh has been released from Fort Lafayette. I am entirely at a loss to account for the delay, and would fain hope that at this moment he may be free, and that I may be able to announce the fact to your Lordship by telegraph before the packet sails.

Eight days ago, as I had the honour to report to your Lordship in my despatch of the 28th instant, Mr. Seward came to my house to tell me that Mr. McHugh was to be released immediately. I informed your Lordship in that despatch that I should not be at ease until I knew that he was actually at liberty. I have accordingly not ceased to press the subject with Mr. Seward. On the 1st instant I received from him an official note informing me that the order for the discharge had been given. I have urged that the order shall be repeated by telegraph, and that the military authorities at New York shall be ordered to report by telegraph that it has been executed.

I inclose copies of further correspondence on the subject.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 1.

Mr. Mc Hugh to Lord Lyons.

My Lord,

Fort Lafayette, New York Harbour, June 27, 1864.

SINCE I had the pleasure on the 13th instant I have not had the honour of receiving a reply. No doubt your Lordship imagines that the United States' authorities have given me my freedom; this is not so, and I have now been given to understand (through a private source) that these same authorities propose holding me until this war is over, in face of the facts that I have committed no act against the laws of the United States, nor are there any charges against me that justify my detention, as decided by the Military Commission on the 23d February.

I remain, &c.
(Signed) JAMES Mc HUGH.

Inclosure 2 in No. 1.

Lord Lyons to Mr. Mc Hugh.

Sir

Washington, June 29, 1864.

I HAVE just received your letter of the day before yesterday. I was positively assured on Saturday evening, the 26th instant, that orders would be given immediately for your release, and I wrote on Monday to Her Majesty's Acting Consul at New York

to beg him to ascertain whether you were actually released, and inform me. Should you be still in custody when you receive this letter, I beg you to let me know as soon as possible; in any case, I am anxious that you should communicate with the Acting Consul before you leave New York.

I am, &c.
(Signed) LYONS.

Inclosure 3 in No. 1.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, July 1, 1864.*
I HAVE the honour to acknowledge the receipt of your note of the 24th ultimo relative to the case of Mr. Mc Hugh, a prisoner in Fort Lafayette. I now have the honour to acquaint your Lordship in reply, that the Secretary of War has informed this Department that the discharge of the prisoner has been ordered.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 4 in No. 1.

Mr. Mc Hugh to Lord Lyons.

(Telegraphic.) *New York, July 1, 1864.*
MY Lord, yours of the 29th at hand. I am still here, and no order has arrived to release.

Inclosure 5 in No. 1.

Acting Consul Edwards to Lord Lyons.

My Lord, *New York, July 2, 1864.*
I HAVE the honour to acknowledge the receipt, this morning, of the following telegraphic message from your Lordship.

"I am informed by an official note from the Secretary of State that the discharge of Mr. McHugh has been ordered. Report to me immediately by telegraph whether the order has been executed.

"Washington, July 2, 1864."

Immediately upon its receipt I telegraphed to your Lordship as follows:—

"Mr. McHugh promised to call at the Consulate immediately upon release. He has not so called."

After dispatching this message to your Lordship I telegraphed to the commanding officer at Fort Hamilton, to which Fort Lafayette is subordinate, as follows:—

"Is James McHugh still in Fort Lafayette? Please answer at once."

And have just now (half-past 8 o'clock, p.m.) received the following reply:—

"James McHugh is still here.

(Signed) "JAMES B. BULLEN, 7th Infantry."

I have lost not a moment in transmitting to your Lordship a telegraphic message as follows:—

"I have just received a telegram from commanding officer there, reporting Mr. McHugh still at Fort Lafayette."

I have, &c.
(Signed) P. EDWARDS.

No. 2.

Lord Lyons to Earl Russell.—(Received July 16.)

(Telegraphic.) *Washington, July 5, 1864.*
MR. JAMES McHUGH was released last night.

No. 3.

Lord Lyons to Earl Russell.—(Received July 21.)

My Lord,

Washington, July 8, 1864.

YOUR Lordship will have learned by my telegram, of the 5th instant, that Mr. James Mc Hugh was at last released from Fort Lafayette on the 4th of this month. Mr. Seward was good enough to communicate to me on the evening of that day the telegram from the General commanding at New York, which forms the first inclosure in this despatch, and on the following day I received, by telegraph, from Mr. Edwards, Acting British Consul at New York, information that Mr. Mc Hugh was actually at liberty. The inclosed copies of a despatch from Mr. Edwards, and its inclosures, will make your Lordship acquainted with the orders on the subject issued by the military authorities at New York, in consequence, no doubt, of instructions sent from the Government here.

It appears that it was in fact stated to Mr. Mc Hugh and to another prisoner, Mr. Rahming, that I had said "that they should use strategy to get out, and that if they had to pay anything, they would not lose by it, but would be returned tenfold." The statement, however, did not originate, as I had suspected, with persons professing to have influence with those in power, and desirous of extorting money from the prisoners, under pretence of obtaining their liberation. It appears, on the contrary, to have been made by a Mr. Cauty, a released prisoner, with a view to obtaining from them an advance of money for his own use. Mr. Mc Hugh states that Mr. Rahming was, in fact, induced to advance money on a bill drawn by Mr. Cauty, and adds that the bill was dishonoured.

I have the honour to transmit to your Lordship a copy of a despatch in which I have directed Mr. Edwards to make inquiries of Mr. Rahming on the subject.

The imprisonment of Mr. Cauty and the steps taken by me to obtain his release formed the subject of my despatches to your Lordship of the 6th January last, of the 12th February last, of the 15th of the same month, and of the 22nd March, as well as of your Lordship's despatches of the 20th of February and 8th of April last.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 3.

Major-General Dix to Colonel Hardie.

*Office of United States' Military Telegraph,
War Department.*

THE following telegram received at Washington 9 P.M., July 4, 1864:—

"Colonel James Hardie.

"New York, July 4, 1864.

"I ordered James McHugh to be released yesterday. I have sent Captain Rivers to Fort Lafayette to see that he is released, and he will telegraph you by 10 o'clock P.M.

(Signed) "JOHN A. DIX, Major-General."

Endorsement :

War Department, July 4, 1864.

The within telegram from Major-General Dix upon the subject of the release of James McHugh, is respectfully furnished the Honourable the Secretary of State for his information. This by order of the Secretary of War.

Respectfully, &c.
(Signed) JAS. A. HARDIE.

Inclosure 2 in No. 3.

Acting Consul Edwards to Lord Lyons.

My Lord,

New York, July 5, 1864.

MR. JAMES McHUGH has called upon me this morning, he having late last night been released from Fort Lafayette.

I have lost not a moment in transmitting to your Lordship a telegraphic message to the following effect :—

“ Mr. James McHugh was last night unconditionally released from Fort Lafayette.”

I have the honour to inclose herewith for your Lordship's information, a copy of a letter from Mr. McHugh (which he has himself handed me), containing a detailed statement of the official orders which have led to his release.

In compliance with instructions contained in your Lordship's despatch of the 23rd ultimo, I have questioned Mr. McHugh in reference to statements reported to have been made by his friends, to the effect that your Lordship had advised him to procure his release by influence or by money.

Mr. McHugh informs me that he thinks it possible that his friends have made statements of the nature of those referred to, and he would appear to have been labouring under the impression that your Lordship had recommended such a course in his own case, and that of Mr. Rahming, likewise confined in Fort Lafayette. I have the honour to transmit, herewith inclosed, a copy of a written statement in reference to this matter which Mr. McHugh has just supplied me with.

The Dr. Cauty referred to by Mr. McHugh is the same, whose case has been the subject of correspondence between Her Majesty's Legation and the United States' Government, and who was recently released from imprisonment. I have unfortunately been unable to follow the statement to its source, as I find that Dr. Cauty sailed hence for Central America about two weeks since.

I have strongly impressed upon Mr. McHugh the falsehood of this statement, which as I have explained to him, may possibly have originated in some strange misapprehension by Dr. Cauty of your Lordship's meaning, and he has expressed his conviction that such statement could never really have been made.

I have, &c.
(Signed) P. EDWARDS.

Inclosure 3 in No. 3.

Mr. McHugh to Acting Consul Edwards.

My dear Sir,

Fort Lafayette, July 3, 1864.

ON yesterday evening Colonel W. Burke received a telegram from you inquiring if I was still here. About two hours afterwards a despatch arrived ordering my release on conditions, copy of which I have succeeded in obtaining, and beg to give you the same :—

“ Colonel Martin Burke, United States' Army, Commanding Fort Lafayette.

“ *Head-Quarters, Department of the East,
New York City, July 3, 1864.*

“ Sir,

“ By order of the Secretary of War you will immediately release James McHugh upon his taking the oath, and giving his parole of honour to immediately leave the United States, and not to return during the war. When he takes the oath you will send him with it (the oath) to these head-quarters.

“ (Signed by command of Major-General Dix.)”

I was allowed to answer this letter by telegraph.

“ Colonel van Buren, Major-General Dix, 47, Blucker Street, New York.

“ Colonel,

Fort Lafayette, July 2, 1864.

“ Your order releasing James McHugh I have just received ; you say, ‘ when he takes the oath to release him ;’ he refuses to take any oath, as he is a British subject ; he will give his parole of honour to leave the country in fifteen days, and not to return during the war. Please reply at once.

(Signed) “ M. BURKE, Lieutenant-Colonel,
“ *United States' Army.*”

The following answer was received about 10 o'clock.

"To Colonel Burke, Commanding Fort Lafayette.

"New York, July 2, 1864.

"Release James McHugh on giving his parole of honour to leave the United States immediately, and not to return during the war.

(Signed)

"JOHN A. DIX, Major-General."

"Colonel M. Burke.

"Colonel,

"Fort Lafayette, July 3, 1864.

"I have thought much over the demand of General Dix, that I should give my parole of honour to leave the country before being released. I have come to the conclusion that by so doing I would be then conceding to the powers that be a direct acknowledgment that I had been guilty of some act or acts against the laws of the United States; and as I have already proved, to the satisfaction of the gentlemen composing the Military Commission, that I have not, or they would not have recommended my discharge so far back as the 2nd of February; and as I believe the Secretary of State has granted my release without any such conditions as have been proposed, I have now to positively refuse to give any parole of honour.

"I am, &c.

(Signed)

"JAMES Mc HUGH."

Until I can see you I will be content to remain here; and Colonel Burke has sent a despatch to the Secretary of War and Colonel van Buren to the effect that I have refused to give or accept any parole, and must be released unconditionally.

July 4, 1864.

About half-past 8 o'clock the following telegram was received, in consequence of which I was released:—

I remain, &c.

(Signed)

JAMES Mc HUGH.

"To Colonel Martin Burke, Commanding Fort Lafayette.

"Head-Quarters, Fort Lafayette, July 4, 1864.

"Is James McHugh released? If not, discharge him from custody without condition.

(Signed)

"JOHN A. DIX, Major-General."

Inclosure 4 in No. 3.

Mr. Mc Hugh to Acting Consul Edwards.

Sir,

New York, July 5, 1864.

I HAVE the honour to acknowledge the receipt of your favour of the 29th instant inclosing a copy of a letter received by you from his Excellency Lord Lyons, in which his Lordship wishes to be informed of statements which have reached England purporting to come from him. In reply, I have to inform him that, on the 28th April, 1864, Mr. G. F. Cauty visited Fort Lafayette, and informed J. C. Rahming, Esq., and myself that he had just returned from Washington, where he saw Lord Lyons, and he assured us that his Lordship told him that we should use strategy to get out of there; and if we had to pay anything we should not lose by it, but would be returned tenfold.

I am, &c.

(Signed)

JAMES Mc HUGH.

P.S.—In placing the statements of Lord Lyons and Mr. Cauty's together, I am inclined to believe that his Lordship did not say what Mr. Cauty attributes to him, and that he had a purpose in telling the same to Mr. Rahming and myself, as he afterwards got Mr. Rahming to advance him money on a draft drawn by him on Messrs. Dumas, Hankey, and Co., of London, which was dishonoured.

J. Mc H.

Inclosure 5 in No. 3.

Lord Lyons to Acting Consul Edwards.

Sir,

Washington, July 6, 1864.

I HAVE received your despatch of yesterday's date, in which you inform me that you have strongly impressed upon Mr. McHugh the falsehood of the assertion which appears to have been made by F. P. Cauty that I had said that "Mr. McHugh and Mr. Rahming should use strategy to get out of there (Fort Lafayette), and if they had to pay anything they should not lose by it, but would be returned tenfold."

You add that you explained to Mr. McHugh that this statement might possibly have originated in some strange misapprehension by Mr. Cauty of my meaning. I cannot admit this possibility; I never said anything which had the slightest resemblance to the assertion made by Mr. Cauty, or which could by any conceivable amount of misapprehension be supposed to mean anything of the kind.

I beg you to make inquiries of Mr. Rahming, to whom it appears, from the letter from Mr. McHugh, of which you send me a copy, that an assertion of the same kind was made by Mr. Cauty with a view (Mr. McHugh suggests) to obtain an advance of money.

I have, &c.
(Signed) LYONS.

NORTH AMERICA.

No. 18. (1864.)

Further Papers respecting the Arrest and Imprisonment of Mr. James Mc Hugh in the United States.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

LONDON:

PRINTED BY HARRISON AND SONS.

NORTH AMERICA.

No. 19. (1864.)

FURTHER CORRESPONDENCE

RESPECTING THE

ENLISTMENT

OF

BRITISH SUBJECTS

IN THE

UNITED STATES' ARMY.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:

PRINTED BY HARRISON AND SONS.

Further Correspondence respecting the Enlistment of British
Subjects in the United States' Army.

Lord Lyons to Earl Russell.—(Received July 21.)

My Lord,

Washington, July 8, 1864.

I INCLOSE copies of the correspondence respecting Thomas Tulley and the six other Irishmen, enlisted on their arrival at Portland, in the steam-ship, "Nova Scotian," which has taken place since I had the honour to address to your Lordship my despatch of the 20th ultimo.

I have the satisfaction of being able to say that six of the men appear to be for the present in safety. The report made to Mr. Consul Murray, that Michael Moran had been killed has happily proved to be erroneous. I fear, however, that there can be little reason to doubt that the seventh man, Thomas Burke, was in fact killed in action, while serving in the United States' Army. I have requested the United States' authorities to communicate to me all the information which they can obtain respecting his fate.

I regret to say that three of the men represent that they were subjected to hardships and indignities of a most unwarrantable kind, on their way from the army of the Potomac to Portland. I have requested that an investigation may be made, and that if the allegations of the men prove to be well-founded, no time may be lost in calling to account those who are responsible for their ill-treatment.

I have also pointed out that I have received nothing more than a formal acknowledgment of my note of the 10th ultimo, repeating my demand for the discharge of the men, and I have reminded Mr. Seward that I am waiting for the answers of the United States' Government to that demand.

I have moreover addressed to Mr. Seward further inquiries respecting James Traynor, the Irish passenger by the "Nova Scotian," who was enlisted at Boston. I have the honour to inclose a copy of my note, and a copy of a note from Mr. Seward acknowledging the receipt of it.

I have, &c.
(Signed) LYONS.

Inclosure 1.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, June 18, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 10th instant, relative to the cases of Thomas Tulley and six other Irish passengers, of the steamer "Nova Scotian," alleged to have being improperly enlisted at Portland, and in reply to inform your Lordship, that I have inclosed a copy thereof, to the Secretary of War, who has the subject under investigation.

I have, &c.
(Signed) WILLIAM H. SEWARD.

Inclosure 2.

*Consul Murray to Lord Lyons.**Portland, June 23, 1864.*

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated the 11th instant, authorizing me to employ a lawyer on behalf of Thomas Tulley and the other Irishmen who were enlisted into the 20th Maine Regiment, if I deem it advisable to do so.

Thomas Tulley presented himself at this office yesterday on his arrival from Philadelphia. He did not appear in uniform, as he stated that he had been deprived of it by two men, who induced him to go and lodge with them at Boston, and who the next morning endeavoured to entice him to re-enlist and accept the bounty money over again. This he refused to do, and came on in the clothes lent him by the master of the house, who he believes was in the plot.

I went with Tulley to the Provost-Marshall, who has sent him to camp Berry, in this immediate neighbourhood, so as to be near at hand when required. Tulley knew nothing about his companions.

Michael Byrne returned from the hospital at Augusta a few days ago, and told me that he had obtained a ten days' furlough. He seemed to have recovered from the wound in the head, but told me that he was suffering from other bodily ailments.

Tulley also acquainted me that he was suffering from a heart disease, and that the sight of his right eye was quite defective.

I have, &c.
(Signed) H. J. MURRAY.

Inclosure 3.

*Consul Murray to Lord Lyons.**Portland, June 30, 1864.*

My Lord,

I WENT over to Camp Berry yesterday afternoon to see Thomas Tulley, who had not called upon me since his first arrival, and he told me that Moran, who I understood had been killed, Hogan, and Higgins had arrived at the camp on the previous day, Tuesday. He brought them out to me, and I had some conversation with them. Moran told me that he had been separated from his regiment during action, and was thus reported killed. Both Higgins and Moran seemed in perfect health, but Hogan appeared delicate. They all complained of their treatment during part of their journey to Portland, having been placed in irons and lodged in prison. I have requested them to make a written statement of their cases, which I will forward to your Lordship. The Provost-Marshall here says he knows nothing about it, and concludes that they must have done something wrong to have received this treatment.

Cassidy has not arrived from Boston, and Byrne I have not seen here since his arrival from Cape Fry at Augusta, on a ten days' furlough, as reported to your Lordship in my despatch of the 23rd instant.

I have, &c.
(Signed) H. J. MURRAY.

Inclosure 4.

*Consul Murray to Lord Lyons.**Portland, July 1, 1864.*

My Lord,

I HAVE the honour to transmit herewith an original letter which I received yesterday from T. Tulley at Camp Berry, relating, on their behalf, the treatment alleged to have been received by the three Irishmen, Michael Moran, James Higgins, and Martin Hogan, on their journey from the army to Portland, where they were ordered to come in pursuance of a Special Order, No. 194, dated at the War Department, Washington, June 2nd.

This alleged treatment appears so strange and uncalled-for that I can only presume there must have been some misunderstanding of their cases upon the part of the military authorities who forwarded the men on, or that some unacknowledged conduct on their part led to it.

The Provost-Marshall told me to-day that the men arrived from Washington in care of a sergeant, who gave them into his charge, but not as prisoners. The sergeant has

returned, and nothing had come to his (Captain Doughty's) knowledge of their alleged ill-treatment or of their misconduct to induce it.

The sergeant's name is believed to be Crook, and he belongs to the Veteran Reserve Corps.

I have, &c.
(Signed) H. J. MURRAY.

Inclosure 5.

Thomas Tulley to Consul Murray.

Sir,

Camp Berry, Portland, June 30, 1864.

I BEG most respectfully to inform you that Michael Moran (reported killed, but still alive), James Higgins, and Martin Hogan, arrived at this camp from the army on the evening of the 28th instant, and I think it right for me to make known to you the treatment they received on their journey. On the receipt of the order from the Secretary at War they were, on the 9th instant, sent from their regiment to the Provost-Marshal's head-quarters, who read and kept the order, and then ordered the men to be placed in the Bull Ring, an open space in the fields, surrounded by armed men, wherein are placed prisoners of all grades. On the next day there was a number of armed men going to Washington, and the above-named sent a note to the Provost-Marshal, explaining their position, and requesting to be forwarded with them, but the captain of the guard made answer that they were not going to puff General Partrick with notes; they were consequently transferred from one Bull Ring to another, from the 9th to the 23rd instant, where they were well nigh starved, as they had at one time to march three successive days without a mouthful of food, and consequently were reduced to eating clover and green apples to support nature. They remonstrated with the authorities, stating that they were not prisoners, but the invariable answer was, they could not be assisted otherwise, as in fact there were in the Bull Ring men dying of hunger, and brought-to in hospital afterwards. On an inspection by the doctor, one of your clients being well nigh dead of hunger, was seen by him, and after making inquiries respecting him and the others, he was informed they were not prisoners but foreigners proceeding to Portland under British protection. The doctor then departed, with apparent disgust, and gave no assistance; and from the feeling of the men, and their conversation of such undeserved and destroying treatment, I firmly allege that no idea can be had of the misery they endured.

On the 23rd they were sent with convicts under guard to Washington, and then transferred to the Old Capitol; from thence they were sent in irons to Boston, where they were left handcuffed together all night, but for the purpose of getting sleep they had to break the cuffs. The consequence was that they were marched through Boston tied with ropes, and arrived in Portland, as before stated. They did their utmost to see Her Majesty's Minister in Washington, but failed, nor could they see you on their arrival, as they were sent under guard to this place.

You have in the foregoing an outline of their travels, but the men say that as long as they live they will not forget the treatment they received, after fighting bravely in all the late battles, as documents from their officers can make manifest.

I hope you will pardon this long letter, but from the kindness we have received from Her Britannic Majesty's Minister and yourself, I thought it incumbent on me to supply you such information, and therefore I have, &c.

(Signed) THOMAS TULLEY.

Inclosure 6.

Lord Lyons to Mr. Seward.

Sir,

Washington, July 7, 1864.

ON the 10th of last month I had the honour to address to you a note, in which, by command of Her Majesty's Government, I renewed the application, which I had made in their name on the 23rd of the previous month of May, for the discharge from the United States' army of the seven Irish passengers by the steam-ship "Nova Scotian," who were enlisted immediately after their arrival at Portland on the 18th of last month. You were so good as to inform me that you had referred my note to the Secretary of War. I await the answer of the United States' Government to the application which it contained. I must in the meantime ask your serious attention to the inclosed copy of a letter addressed

to Her Majesty's Consul at Portland on behalf of three of these Irishmen; namely, Michael Moran, James Higgins, and Martin Hogan. I do not doubt that you will cause an investigation to be made of the allegations respecting the hardships and indignities suffered by Moran, Higgins, and Hogan on their way from the army of the Potomac to Portland; and I trust that if these allegations prove to be well founded, no time will be lost in calling to account those who are responsible for the ill-treatment of these unfortunate men.

These three men appear to be now at Portland. I am informed also that Thomas Tulley is at that place, and that Michael Byrne and Edward Cassidy have been removed from the seat of war. The seventh man, Thomas Burke, is reported to have been killed in action while serving in the 20th Regiment of Maine Volunteers. I beg you to be so good as to communicate to me any information respecting his fate which the United States' authorities may be able to obtain.

I have, &c.
(Signed) LYONS.

Inclosure 7.

Lord Lyons to Consul Murray.

Sir,

Washington, July 7, 1864.

I HAVE received your despatches of the 6th, 23rd, and 30th ultimo and 1st instant, relative to the case of Thomas Tulley and the six other Irish passengers by the "Nova Scotian," who were enlisted at Portland.

I have addressed to the Secretary of State of the United States a representation on the subject of the hardships and indignities which three of these men are stated to have suffered on their way from the army of the Potomac to Portland.

I have, &c.
(Signed) LYONS.

Inclosure 8.

Lord Lyons to Mr. Seward.

Sir,

Washington, June 10, 1864.

IN a note which I had the honour to address to you on the 27th of April last, I submitted to you a copy of a despatch from Her Majesty's Consul at Boston, reporting a statement made by James Traynor, one of the Irishmen brought over to Portland by the "Nova Scotian," respecting the circumstances under which he enlisted in the United States' military service. In a note dated the 30th of April you were so good as to inform me that you had referred the matter to the War Department.

I shall be much obliged if you will let me know whether any progress has been made in the investigation of the case.

I have, &c.
(Signed) LYONS.

Inclosure 9.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, June 20, 1864.

I HAVE the honour to acknowledge the receipt of your note of the 10th instant, inquiring as to the progress of the investigation in the case of James Traynor, one of the Irish passengers of the Steamer "Nova Scotian," alleged to have been improperly enlisted.

In reply, I have the honour to inform your Lordship that I have called upon the Secretary of War for information.

I have, &c.
(Signed) WILLIAM H. SEWARD.

